Women in Politics: Evidence of Legislative Change

A Case Study of Mexico, Uganda, and Viet Nam

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Executive Summary

The world over, the number of women elected to public office has been increasing. The current percentage of women in all national parliamentary structures, upper and lower houses combined, stands at 20.4 percent, a significant improvement over 11.7 percent (1997) less than two decades ago. According to Inter-Parliamentary Union (IPU), countries such as Rwanda, Andorra, and Cuba outperform erstwhile star performers such as Sweden and Finland in electing women to national parliaments.

Little research has been conducted on women’s substantive representation in some developing countries that have recently reached the milestone of electing more than 30 percent women in national parliaments. Through three country cases, this study attempts to answer whether women parliamentarians have, in fact, been able to shift the debate and increase the parliamentary response on issues of gender equality. By examining the national parliaments of Mexico, Uganda, and Viet Nam broadly between 2001 and 2013, the study delineates:

- Trends in women’s election to national parliaments
- Ensuing trends in gender-targeted legislation
- Factors that have facilitated or obstructed the passage of key gender-targeted bills

Graph 1: Women’s Representation Trends

The selection of the three case studies was made to represent some of the international diversity in legislative and socioeconomic environments. These countries have also been

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selected for the little research conducted on them so far: this study should be one of many future studies in understanding the myriad changes underway in each of these countries. Mexico, Uganda, and Viet Nam are among the leaders in their respective regions in terms of proportion of women in parliament. Both Mexico and Uganda have recently crossed the critical mass threshold, while in Viet Nam the proportion of women in the National Assembly has been falling.

Table 1: Methodology

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<th>MEXICO</th>
<th>UGANDA</th>
<th>VIET NAM</th>
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<tr>
<td>Timeline</td>
<td>2006-2013</td>
<td>2001-2013</td>
<td>2002-2013</td>
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The research methodology of this report entails analyzing two pieces of legislation for each case study: a gender-targeted bill that was successfully passed and one that failed. In the instance of Viet Nam, the analysis focuses on one piece of legislation in which two important provisions for gender equality were omitted from the final version of the bill.

Through these sub-cases, the study attempts to understand the factors that promote and hinder women’s substantive representation. These sub-cases are placed within a country context analysis that illuminates recent trends in women’s political representation, legislative trends for the time period considered, and the political and legislative structure in each of the countries.

Lessons Learned
Concomitant with an increase in the number of women in the Parliaments of Mexico and Uganda, there has been an increase in the number of gender-targeted legislation introduced and passed. There is a need for further research into this phenomenon. Confounding this observation is the case of Viet Nam. Despite a decrease in the number of women in the Viet Nam Parliament, the country’s gender-targeted legislative agenda has become more robust.

All three cases reflect that the party is the main gatekeeper to the entry of women into politics. The party is also the main conduit through which issues can become bills and then
legislation. Thus, not only is it important to increase the number of women in parties, but also their position within the party so as to be able to influence the legislative agenda. There is also a need to enable women and men parliamentarians to lead strategically important government committees in order to promote the gender equality agenda.

For more gender-targeted legislation to pass, more women parliamentarians who can act independently of party confines are needed. This was particularly apparent in Mexico when high-ranking women parliamentarians across party lines sought reforms to the quota regime in defiance of party dictates. Thus, the issue is not one of just increasing the presence of women, but increasing their presence in key positions and creating mechanisms for them to collaborate.

The case studies also suggest that though women parliamentarians are not a monolithic block with a unified agenda, women do tend to introduce more gender-targeted legislation than men do. In the case of Mexico, research suggests that when men introduce legislation that focuses on gender, it is conservative in nature. Interviews with parliamentarians and researchers from multilateral organizations suggested that there is a need to enhance representation of women parliamentarians who have an appetite and vision for pushing forward the gender equality agenda.

Especially in the contexts of both Viet Nam and Uganda, domestic non-governmental institutions and organizations are important resources for enabling the passage of gender-targeted legislation. The Ugandan women’s caucus organizations and Viet Nam’s mass women mobilization wing of the Communist Party of Viet Nam (CPV) are very important institutions for promoting women in politics and gender-targeted legislation. In Mexico and Viet Nam, the media has also increasingly begun to be understood as a resource for galvanizing public support and pressure for the gender equality agenda. In Mexico, other branches of government such as the courts can play a positive role in aiding the passage of gender-targeted legislation.

In the case of Viet Nam, the influence of international conventions like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the technical advisory support of organizations such as UN Women and the Asian Development Bank are seen as significant external sources of support to the gender equity agenda. These organizations have been involved in law drafting and capacity-building projects that empower women parliamentarians and institutions such as the Viet Nam Women’s Union (VWU). Recent constitutional changes in Mexico indicate that international conventions such as CEDAW could have a greater role in shaping domestic legislation in the future. All three countries considered in this study are signatories of CEDAW and the Beijing Pact.

In the case of Uganda, the role of men is salient, but the over-arching importance of men parliamentarians can be imputed from the first two lessons in the case of Viet Nam and
OVERVIEW OF LESSONS LEARNED

✓ Getting more women in parties and party leadership is crucial for changing the legislative agenda

✓ Women tend to introduce more gender-targeted legislation and shape the legislative agenda to include issues of gender equality

✓ Need for independent acting women parliamentarians who can cooperate and collaborate with each other

✓ Need for greater collaboration between the women’s movement and women parliamentarians

✓ Media, other branches of government, and domestic non-governmental institutions and organizations are important allies

✓ International institutions and conventions can assist and influence the gender equality agenda

✓ Men parliamentarians must be mobilized and made to realize their stake in gender-targeted legislation

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1. Mexico Country Case

**Government Type:** Federal Republic

**Main Legislative Body:** Bicameral: Chamber of the Senators and Chamber of Deputies.

**Election Cycle:** Six years for Senate. Three years for Chamber of Deputies.

**Main Political Parties:** Institutional Revolutionary Party (PRI) ruled for 71 years and has returned to power again; National Action Party (PAN) ruled from 2000-2012; and Party of the Democratic Revolution (PRD).

**Transmission of Bill to Law:** Multiple modes as both houses can introduce bills. Typically, Chamber of Deputies focuses on domestic issues and the Senate focuses on foreign affairs.

### Proportion of Women in Mexico Upper and Lower Parliament: 2006-2015

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<tr>
<td>Proportion</td>
<td>22%</td>
<td>26%</td>
<td>36%</td>
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</table>

**Quotas:** Different quota mechanisms for First Past the Post and Proportional Representation.

**Institutions/Groups to Promote Gender:** National Women’s Institute in the Executive Branch. The women’s movement in Mexico is disaggregated.

**Gender-focused International Conventions Ratified:** CEDAW (1981), Beijing Pact

### Sub-Case of Successful Bill:

**Amendment to Mexican Federal Election Code (2011)**

Need for amendment arose in response to the “Juanitas” media scandal of 2009. Note that though this law has yet to be passed by the Senate, it is already in effect by decree of the Electoral Tribunal of the Judicial Power. The bill, which forced parties to respect quotas, was initiated by a woman deputy and supported by women parliamentarians across party lines in a polity where party loyalty is supreme. The media was also an important ally in building support for this bill to pass.

### Sub-Case of Failed Bill:

**Federal Labor Law Reform 5-Day Paternity Leave (2012)**

The outgoing President Fox had proposed a 20-day paternity leave in August 2012 that was reduced to 10 days in early September 2012. After closed door negotiations that excluded women parliamentarians and interest groups, it was negotiated down to a five-day leave and approved in late September 2012 (248 votes in favor and 187 against). In effect, it took only two months from bill initiation to passage and the debates did not reflect a gendered perspective, but rather the interests of the private sector according to the left-wing parliamentarians interviewed.
Lessons Learned

✓ Substantive representation could improve if the Mexican women’s movement were to become more cohesive and organized, and able to access independent funding.

✓ Fostering cooperation among women parliamentarians from different parties is important.

✓ Critical mass achievement is not enough to ensure gender equality. To achieve substantive representation in democracies where parties control the agenda, women must be in critical actor positions in party leadership and legislative committees.

✓ Public pressure is the key to success. Where the women’s movement is fractious and disorganized, legislators have little incentive to act on gender-targeted legislation, especially where other outside groups such as private sector companies are unified and vocal. Gender-targeted legislation can take priority in the face of public outrage or critical events.
2. Uganda Country Case

**Government Type:** Republic  
**Main Legislative Body:** National Assembly  
**Election Cycle:** Five years  
**Main Political Parties:** National Resistance Movement (NRM) has been in power since 1986.  
**Transmission of Bill to Law:** The most common form of legislation is the Executive Bill. Ministers introduce legislative proposals that are relevant to their ministries; Cabinet approval is then required for the Executive Bill to proceed to Parliament.

<table>
<thead>
<tr>
<th>Proportion of Women in Uganda National Assembly: 2001-2016</th>
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<tr>
<td>24.5%</td>
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**Quotas:** One woman representative for every district: prior to 2006, indirectly elected by electoral colleges; now, directly elected by voters on a special ballot in each district.

**Institutions/Groups to Promote Gender:** Uganda Women’s Parliamentary Association (UWOPA) [women’s caucus] and the Uganda Women’s Network (UWONET) [network of national women’s NGOs].

**Gender-focused International Conventions Ratified:** CEDAW (1985), Beijing Pact

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**Sub-Case of Failed Bill:** Domestic Relations Bill (2003)  
This bill attempted to consolidate laws relating to marriage, divorce, widow inheritance, marital rape, and bride price all in one bill. It faced a number of obstacles, including obstruction by the Executive, lack of support by some women parliamentarians loyal to the NRM, and resistance from conservative women and men parliamentarians who did not support the bill’s provisions. It was split into the Domestic Violence Act, the Marriage and Divorce Bill, and the Muslim Personal Law Bill.

**Sub-Case of Successful Bill:** Domestic Violence Act (2010)  
Women’s organizations formed the Domestic Violence Act coalition and campaigned hard and in a unified manner. They urged local communities to put pressure on local representatives and worked closely with UWOPA, the women’s caucus, to build support within Parliament. It was easier to rally support for a discrete issue such as domestic violence and gain the alliance of key men parliamentarians.
Lessons Learned

✓ The NRM controls the legislative agenda and impedes the parliamentary process.

✓ Parliamentarians’ strong allegiance to the NRM undermines the push for gender equality.

✓ Need for greater collaboration between men and women parliamentarians.

✓ Need for consensus building between women parliamentarians as they have different concerns and interests.

✓ Civil-society-based women’s movements and caucus continue to be important for counteracting the overreach of the Executive branch, building public support for gender-targeted bills, and coordinating advocacy efforts.
3. Viet Nam Country Case

**Government Type:** Communist  
**Main Legislative Body:** National Assembly  
**Election Cycle:** Five years  
**Main Political Parties:** Communist Part of Viet Nam (CPV) (one-party state)  
**Transmission of Bill to Law:** Multiple modes, but primarily through the CPV’s Politburo as their support is a necessary condition. Issues can be raised by the CPV, the Viet Nam Women’s Union (VWU), the media, or parliamentarians themselves.

| Proportion of Women in Viet Nam National Assembly: 2002-2016 |
|---|---|---|---|
| 27% | 26% | 24.4% |

**Quotas:** There are no legislated quotas, but the CPV has adopted targets for women’s representation.  
**Institutions/Groups to Promote Gender:** CPV’s mass mobilization arm VWU, National Commission for the Advancement of Women (NCFAW), and the Ministry of Labour, Invalids and Social Affairs (MOLISA).  
**Gender-focused International Conventions Ratified:** CEDAW (1982), Beijing Pact

**Sub-Case of Successful and Failed Bill: Law on Gender Equality (2006)**  
In 2003, the National Assembly passed a resolution to formulate a gender equality law in response to international pressure to meet its obligations under CEDAW and as part of its National Strategy to reduce poverty. The law, championed by the VWU, was passed in 2006 and the Asian Development Bank (ADB) provided technical advisory to the drafting Committee in the early stages. The law defines gender equality and discrimination, and defines measures to promote gender equality and for monitoring and evaluation. Another requirement is to incorporate the law into the drafting of legal and normative documents, the effect of which can be observed in recent bills and passed legislation. However, two important provisions of the law failed to pass: an inclusion of formal quotas for women in the National Assembly and an equalization of the retirement age of male and female public servants. These are two issues that have been offered as explanations for the falling trend in women legislators in Viet Nam.
Lessons Learned

- **Communist underpinning of the Viet Nam Constitution lends it a gender-equal quality**, but implementation of Constitutional priorities is moderated by traditional Confucian values.

- **Increasing women’s membership in the CPV is the key** to increasing the representation of women in the National Assembly and sub-national legislative bodies.

- **International institutions have had some influence** over the drafting of gender-targeted legislation and continue to work with the government on gender mainstreaming priorities.

- **Women’s representation in strategically important government committees in positions of leadership** is an important factor to influence the passage or blockage of gender-targeted legislation.

- **Need for one government entity to oversee gender-related policies and programs as they are currently managed by a number of government institutions.**

- **Viet Nam context needs more research** on the pathways through which issues are introduced to the legislative agenda.
Chapter 1: Introduction

Women constitute more than half of the world’s population, but are underrepresented in parliaments in both developed and developing countries. However, for a society to be truly democratic, women and men must have equal opportunity to influence the legislative agenda. If men alone are responsible for decision making, only part of the population’s experiences and potential will be reflected. A first step toward gender equality requires that women fully participate in politics, impact decision-making bodies, and increase gendered-targeted legislation. It is also important to include women in decision-making bodies to guarantee that their perspectives and experiences are reflected in policy outcomes. Thus, to achieve a just and effective society, all members need to be included and their full political participation ensured.

In recent decades, the number of women elected to public office has increased throughout the world. In 2000, the world average for women in national parliamentary structures (upper and lower house combined) was 13.1 percent. By January 2013, the average had grown to 20.4 percent. Despite these global advances, progress toward representative parity between women and men in parliament has been slow. According to the Inter-Parliamentary Union, of the 59 countries that held elections in 2011, the number of women elected to parliament decreased in 26 chambers (13 bicameral and 13 unicameral). In 2012, the number decreased in 14 of the 57 chambers renewed. These retrogressions are not limited to one particular region; however, some of the largest setbacks were experienced in Sub-Saharan Africa and Europe, including countries such as Liberia, Nigeria, Portugal, Spain, and Switzerland.

Research on women’s descriptive representation, defined as the number of women elected, has documented the effectiveness of quotas in increasing the number of women in national parliaments. Quotas work to ensure women’s access to decision-making entities and counter

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6 Ibid., p. 24.
10 Ibid.
11 Ibid.
the challenges experienced by women in their political participation.\textsuperscript{12} In 2012, 22 of the 57 countries that held elections had implemented special measures for women’s representation.\textsuperscript{13} Women won 24 percent of seats in those countries with legislated electoral quotas and 22 percent in those countries with voluntary quotas, compared to 12 percent of seats in countries without any special measures.\textsuperscript{14}

Why does the percentage of women in parliament matter for the advancement of gender equality? Critical mass theory proposes that when women are represented in different numbers in a decision-making body, their ability to and the way in which they influence the policy agenda changes. When there is a great gender imbalance, the mere presence of women is not enough to secure their voice in the process. Under 30 percent, women are subject to tokenism, pressure toward assimilation, and “queen bee syndrome.”\textsuperscript{15} International conventions accept 30 percent as the proportion at which women are able to influence the culture of an institution and help drive the decision-making process.\textsuperscript{16} It is important to recognize that 30 percent is not an end goal in and of itself. To achieve true equality, women should comprise 50 percent of worldwide legislative bodies. Quotas help achieve descriptive representation, but this is only one measure of gender equality.

Despite the growing presence of women parliamentarians, specific indicators for measuring women’s impact in politics are lacking.\textsuperscript{17} Through three country cases, this study attempts to address this gap by investigating whether women parliamentarians have, in fact, been able to shift the debate and increase the parliamentary response on issues of gender equality. By examining the national parliaments of Mexico, Uganda, and Viet Nam broadly between 2001 and 2013, the study describes:

- Trends in women’s election to national parliaments
- Ensuing trends in gender-targeted legislation
- Factors that have facilitated or obstructed the passage of key gender-targeted bills

Women have a legitimate interest in all areas of policy and a wide range of policies may include a gender perspective and have relevance for gender equality. However, this study focuses on policies specifically aimed at promoting gender equality. This includes, for example, equal pay

\textsuperscript{14} Ibid.
for equal work, domestic violence legislation, or access to contraception. These laws not only affect women, but the population as a whole as they lead to overall economic and social progress and improvement in a country’s quality of life.\textsuperscript{18} Research suggests that due to shared interests, women parliamentarians often feel a special responsibility to represent other women and in general tend to prioritize social issues that do so.\textsuperscript{19} The study refers to these types of laws as “gender-targeted legislation.” This report will focus on gender-targeted legislation in order to understand how a critical mass of women within a parliamentary body does, or does not, impact the legislative agenda.

1. Case Selection
These cases were selected to represent the international diversity in legislative and socioeconomic environments. Viet Nam and Uganda have unicameral parliaments, whereas Mexico’s parliament is bicameral. Both Mexico and Uganda are multi-party states with legislated mechanisms for ensuring women’s political representation, while Viet Nam is a one-party Communist state without a legislated quota. The three countries represent high, medium, and low levels of social and economic development using the Human Development Index (HDI) from the United Nations Development Programme (UNDP) as a frame of reference.

The HDI is a composite measure of health, education, and income that ranks countries into four categories of human development: very high, high, medium, and low. The 2012 HDI rankings included 187 countries and within the three country cases, Mexico ranks the highest (61), followed by Viet Nam (127), and then Uganda (161).\textsuperscript{20} The HDI report also includes a Gender Inequality Index (GII), which reflects inequality in achievements between women and men in three dimensions: reproductive health, empowerment, and economic activity.\textsuperscript{21} These three dimensions are measured by maternal mortality and adolescent fertility rates, share of parliament seats, attainment of secondary and higher education, and the labor participation rate for each gender. The Index ranges from 0, which indicates that women and men fare equally, to 1, which indicates that women are as disadvantaged as possible in all three dimensions of measurement. The 2012 GII rankings included 148 countries and within the three country cases, Viet Nam ranks the highest (48), followed by Mexico (72), and then Uganda (110).\textsuperscript{22}

Although very different, Mexico, Uganda, and Viet Nam share characteristics that make them ideal cases for the purposes of this study. Each country has recently surpassed, or nearly reached, the critical mass of 30 percent women in parliament: Uganda at 34.7 percent; Mexico at 36 percent; and Viet Nam at 24.4 percent. The cases are also of interest because little is known about women’s substantive representation. Reflecting broader academic research trends, studies on women’s descriptive representation greatly outnumber studies on women’s substantive representation for each of the three countries.

2. Methodology
This study focuses on the current and prior two legislative periods in each country. The study on Mexico starts in 2006 and ends in 2013, while the studies on Uganda and Viet Nam start earlier, in 2001 and 2002 respectively, but also end in 2013. It is important to note that the share of women in parliament reached critical mass in Mexico and Uganda in the most recent elections: 36.8 percent in Mexico in 2012 and 34.9 percent in Uganda in 2011. Viet Nam did not achieve critical mass during the studied period.

In order to illuminate the facilitating factors and obstacles related to the passage of gender-targeted legislation, each country case analyzes two pieces of legislation: one deemed a success and one deemed a failure. Flexibility in these definitions was, however, allowed across case studies to reflect the differing political realities.

In the analysis of legislation, the study relies on available primary sources, including parliamentary transcripts, party manifestos, and speeches by key parliamentarians. The study was also based on interviews with both men and women parliamentarians who were directly involved in the legislative process of the selected bills in order to incorporate personal accounts. Additionally, interviews were conducted with critical actors from the women’s movement and civil society who were involved in the parliamentary process.

The case studies, however, faced limitations in the availability of primary documents, a varying degree of transparency of public records, and challenges in the direct communications with critical actors. Under these limitations, this study should be perceived as a first step toward understanding the complex question of women’s substantive representation in these countries.

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The following chapters feature the case studies on Mexico, Uganda, and Viet Nam. They provide an overview of each country’s gender inequality and cultural context, political background and legislative structure, literature review on trends in gender-targeted legislation, and the status of women’s participation in parliament. Each country case study also includes an analysis of a failed and a passed gender-targeted bill in order to identify the factors that promote and obstruct gender-targeted legislation.
Chapter 2: Mexico Case Study

This study includes a discussion of two bills that held consequences for gender equality in Mexico. The first is a labor reform package pushed through by outgoing Mexican President Felipe Calderón. The package included a paternity leave provision that was originally proposed as a 20-day paid leave and was later shortened to five. The second bill dealt with the enforcement of the 60/40 gender quotas that had been established for parliamentary elections. Both bills contain elements of success and failure and are illustrative of the ways in which gender-targeted legislation fails or succeeds in the Mexican parliamentary process. To better understand that process, the following chapter outlines gender inequality and the cultural context in Mexico, the structure of the Parliament, a history of the Mexican women’s movement, and the mechanisms in place to ensure women’s participation in politics.

1. Gender Inequality and Cultural Context

Mexico currently ranks 57th in the world for gender equality according to the United Nations Development Programme (UNDP) and 84th according to the World Economic Forum Global Gender Gap Report. Gender inequality has declined steadily over the last decade; however, attitudes toward women in Mexico still vary widely. For some women, work-life balance and women’s representation are among the most immediate issues when it comes to gender equality, yet in other parts of the country, femicide and domestic violence are still rampant. In July 2012, the CEDAW Committee review on Mexico expressed concern that “Women and girls have been subjected to increasing levels and different types of gender-based violence, such as domestic violence, forced disappearances, torture and murders, especially femicide, by state actors, including law enforcement officials and the security forces, as well as by non-state actors such as organized crime groups.”

Mexico is a historically Catholic country. Traditional values and gender roles are passed on between familial generations, particularly in rural areas. Illustratively, abortion is illegal in 18 out of 31 Mexican constituencies, but available to any woman who requests it up to 12 weeks.

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26 According to the Mexican Law, femicide is defined as “the extreme form of gender violence against women, product of the violation of their human rights, in both public and private, formed by the misogynistic set of behaviors that can lead to social and state impunity and may culminate in murder or other forms of violent death of women.” Source: United Nations, Convention on the Elimination of All Forms of Discrimination Against Women, Concluding Observations (52nd session 2012).
into pregnancy in Mexico City.\textsuperscript{28} These disparities underscore the fact that even though women represent a critical mass in parliament, this does not mean that all “women’s values” and priorities are the same even when it comes to gender-targeted legislation.

2. The Women’s Movement

Toward the end of the 1990s, a major seed change took place in Mexican democracy - an end to 71 years of single party rule. During this period, mobilization among women increased in opposition to the government in place. Women’s groups increased their legitimacy, especially in urban areas, and received financial support from international organizations. Originally, women’s associations fought mainly for gender equality in education and health, and for expanding reproductive rights. However, the Mexican women’s movement today is relatively disaggregated and lacks visibility and support from the general population.\textsuperscript{29}

It is worth noting that violence and fear of violence are still pervasive in many areas of Mexico, not only violence toward women but lack of safety in society in general. This makes it more difficult for women’s groups to advocate for gender-targeted legislation, especially when that legislation addresses issues other than gender-based violence. Issues like paternity leave and respect for gender quotas may be considered frivolous in the broader context. According to one women’s rights activist, it is almost impossible for an organization to be recognized by the women’s movement without having violence against women and the phenomenon of the female homicides in Ciudad Juárez at the top of its agenda.\textsuperscript{30}

In addition, very few women’s organizations receive independent financing from donors and NGO’s. Instead, many women’s organizations are largely financed by the Mexican government and political parties, which mean that in order to remain in operation, organizations must sync their priorities with government or party agendas.\textsuperscript{31}

3. Political Background and Legislative Structure

Mexico has a bicameral legislature and a strong executive branch. The Chamber of Deputies consists of 500 members elected every three years, 300 of whom are elected by single seat plurality and 200 of whom are elected by proportional representation. The Chamber of Senators consists of 128 members of whom 96 are elected in 31, three-seat constituencies (corresponding to the nation's 31 states and one federal district).\textsuperscript{32} The remaining 32 Senators are elected by proportional representation on a nationwide basis. Senators retain their seats

\textsuperscript{29} Cano, Gabriela (28 May 2010) “Más de un siglo de feminismo en México” [More than a Century of the Feminist Movement in Mexico.] http://mundanamagazine.blogspot.com/2010/05/mas-de-un-siglo-de-feminismo-en-mexico.html
\textsuperscript{30} Interview with Women Consultant, Center for the Human Rights of Women (CEDEHM), New York, 21 April 2013.
\textsuperscript{31} Interview with Women Consultant, Center for the Human Rights of Women (CEDEHM), New York, 21 April 2013.
\textsuperscript{32} Congress of the Union Website. Available from http://www.congreso.gob.mx/.
for six years. There is no consecutive re-election in either house and future candidacy is at the discretion of party leadership. For this reason, party discipline is extremely high.

All political parties are recognized if they are able to capture at least two percent of the vote.\textsuperscript{33} The three largest and most active parties are the National Action Party (PAN), a right of center party that until recently controlled the Presidency and the Senate; the Institutional Revolutionary Party (PRI), which is currently the dominant party in both houses and at the municipal level and is the party of current President Enrique Peña Nieto; and to a lesser extent, the Party of the Democratic Revolution (PRD), a left of center party. PAN accounts for the largest number (42 percent) of women Senators and PRI for the most women deputies (45 percent of all women deputies).\textsuperscript{34} Notably, the PRI dominated the government for 71 years amidst complaints of democratic foul play. This period ended in 2000 when opposition candidate Vicente Fox of PAN gained the presidency. PAN remained in power until the most recent elections in 2012.\textsuperscript{35}

Although both houses can introduce legislation on any topic, traditionally the Senate focuses on matters of international relations and diplomacy and the Chamber of Deputies focuses on domestic issues. All bills must go through committee before they are voted on in the plenary session. There are 61 ordinary committees in the Senate and 56 in the Chamber of Deputies.\textsuperscript{36} Gender-based legislation most often goes through the Gender and Equity Committee, which contains 15 members in the Senate and 26 members in the Chamber of Deputies, all of whom are women.\textsuperscript{37} Committee assignments are divvied out through complex negotiations by the various party leaderships. Once a bill is passed in one house, it must be ratified by the other. In theory, any member may introduce a bill on any topic and a bill may contain an unlimited number of co-sponsors, but on average, bills contain two or three co-sponsors. Usually, in order for a bill to pass, it must be co-sponsored by a member of the committee which reviews it. In practice, party discipline is very strict and a member must secure the approval of his or her party and the relevant committee before introducing a bill if his or her legislation is to meet with success. The Executive Branch can also introduce legislation and initiatives. These are often more likely to be acted on than proposals by individual members, especially if they do not have the backing of the party.

\textsuperscript{33} Congress of the Union Website. Available from http://www.congreso.gob.mx/.
\textsuperscript{34} NNDB database. Available from http://www.nndb.com/.
\textsuperscript{35} Reséndiz, Francisco (2006). "Rinde AMLO protesta como "presidente legítimo" " [AMLO Protests as a “Legitimate President”]. El Universal.
4. Women in Parliament

Because Mexico has a mixed electoral system, it uses two sets of quotas to achieve women’s political participation, each with the goal of ensuring that neither gender comprises more than 60 percent of either legislative body. Quotas were originally adopted voluntarily by the majority of parties in the early 1990s, but are now legislated since 2002. The quotas have mandated 40 percent minimum of women candidates since 2007. In the past, parties were

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exempt from meeting quotas if they employed an internal democratic primary for the first past the post candidates. However, this is no longer the case.

For first past the post seats, no more than 60 percent of candidates may be of either gender. This does not mean, however, that at least 40 percent of first past the post elected parliamentarians will necessarily be women. In the past, parties have run women candidates in constituencies where the party was weaker, and have run men in seats that were more competitive or that the party was likely to win. In proportional representation seats, no more than three out of every five in the ordered list of candidates may be of the same gender and candidates must alternate by gender. This system avoids the problems posed by the first past the post quotas. The proportional representation quota was the subject of a major media scandal in 2009 when female family members of male politicians were placed on party lists in order to comply with quota regulations, but dropped out and were replaced by their husbands, brothers, and cousins upon election. The law has since been amended to require that party list candidates who drop out be replaced by a candidate of the same gender. In addition, the Institutional Revolutionary Party (PRI) has a self-imposed 50 percent quota for women candidates. Previously, parties circumvented both sets of quotas by employing the democratic primary loophole for the first past the post candidates.

Although quotas have enabled Mexico to achieve the critical mass of over one-third of women parliamentarians, no quotas exist to ensure women’s place in party or committee leadership. This is a critical distinction since parties typically determine the legislative agenda and committees wield the power over which bills make it to a vote in the plenary session. Women continue to hold proportionally fewer of these power positions, although women’s committee leadership has been increasing. In 2009, in the Chamber of Deputies, 18 percent of the committees were led by women and in 2012, it increased to 25 percent. In 2006, in the Senate, 8.3 percent of the committees were led by women; this increased to 29.5 percent in 2012. In the Chamber of Deputies, the President of the Committee on Society and Labor is a female PRI member, Claudia Delgadillo Gonzalez and in the Senate, the committee is led by a male PRI member, Ernesto Gandara Camou. Thirteen of 56 ordinary committees in the Chamber of

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46 Phone Interview with UN Women Mexico Representative and Regional Director, 22 April 2013.
Deputies and 15 of 61 ordinary committees in the Senate are led by women. Historically, women tend to be relegated to committees that deal with “vulnerable groups” although this is also changing. The Committee on Gender Equality is led and populated entirely by women legislators in both houses. In both houses, the Finance Committee and Committee on Budget are led by a man. However, Senator Gabriela Cuevas is President of the Senate Foreign Relations Committee, a highly powerful committee that deals with international treaties.

Figure 2.2: Increasing Trend in the Number of Women Legislators in Mexico 1997-2012

![Graph showing increasing trend in the number of women legislators in Mexico from 1997 to 2012.]

Source: Inter-Parliamentary Union, Women in National Parliaments Statistical Archive.

5. Legislative Trend

Women’s descriptive representation in Mexico has been covered extensively. However, as is the case for most countries, the vast majority of the current literature focuses on the mechanisms by which women have reached critical mass rather than the impact of women’s presence. A variety of literature exists explaining and theorizing about agenda setting in the Mexican Parliament, but it does not focus on the differences between men’s and women’s

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impact on the legislative agenda, nor does it focus specifically on gender-targeted legislation. The one substantial piece of work that examines the mechanisms through which gender-targeted legislation is passed in Mexico is a doctoral dissertation by Jennifer Piscopo entitled “Do Women Represent Women? Gender and Policy in Argentina and Mexico,” which is summarized below.

Gender-targeted legislation made up an average of only four percent of total bills introduced during any three year legislative session from 1997-2009. Furthermore, this proportion did not grow over time. However, the total number of gender-targeted bills did increase over this period, likely due to the end of PRI’s seventy-year dominance at the turn of the century.

Women are more likely to introduce gender-targeted legislation than men. Two-thirds of women’s substantive legislation is authored by women. Piscopo states, “Ironically, greater collaboration among women explains why so few male legislators in Mexico author WSR [Women’s Substantial Representation] initiatives ....Female legislators in Mexico have assumed ownership of a gender agenda, but, in doing so, they have sidelined the men.”

When men offer proposals on gender-targeted legislation, they tend to reinforce traditional gender roles rather than increase gender equality. The biggest hurdle to women setting the legislative agenda is their lack of space in critical actor roles. “The success of WSR initiatives depends not on factors such as executive dominance and majority party agenda control, but on female legislators’ initiative, leadership, and negotiating powers.” Finally, while efforts have been made in the past to create support in the women’s movement, it has been difficult due to the range of policy orientations among women legislators and political actors.

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53 Ibid.
56 Ibid.
57 Ibid.
58 Ibid.
### Figure 2.3: Gender-Targeted Legislation Passed in Mexico 2006-2012

<table>
<thead>
<tr>
<th>Year</th>
<th>Legislation Passed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>Establishes the Law for Equality between men and women</td>
</tr>
<tr>
<td>2006</td>
<td>Amends the federal budget to create the “Program to Support State Level Institutes for Women,” providing funding for anti-violence programs in the Mexican states</td>
</tr>
<tr>
<td>2007</td>
<td>Establishes measures to eliminate all forms of discrimination in Mexico</td>
</tr>
<tr>
<td>2007</td>
<td>Establishes the law to prevent the trafficking of persons</td>
</tr>
<tr>
<td>2007</td>
<td>Establishes the Law for Women’s Right to Live Free From Violence</td>
</tr>
<tr>
<td>2008</td>
<td>Reforms the Federal Electoral Code by applying an electoral quota of 40%</td>
</tr>
<tr>
<td>2009-2012</td>
<td>Women held 29 percent of seats</td>
</tr>
<tr>
<td>2009</td>
<td>Reforms the Penal Code to address femicide and require higher penalties than homicide</td>
</tr>
</tbody>
</table>


An amendment to Article 132 of the Federal Labor Law established a five-day paternity leave as part of a larger Federal Labor Law reform initiated by the Executive branch. The Labor Law reform included new provisions on hiring, temporal work, hourly jobs, trial periods, and subcontracting. As part of this reform, employers are now required to give new fathers a five-day fully paid paternity leave.

Initially, the President informally floated the idea of a 20-day paternity leave, but in early September 2012, he officially proposed a 10-day leave. The Labor and Social Commission of Deputies Chamber reduced the leave proposal to three days in a closed door discussion. From the perspective of left-wing female Deputies, the decrease in the number of days was due primarily to pressure on legislators from private sector interest groups.

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A majority in the House of Deputies negotiated a five-day leave and the proposal was approved in late September 2012. There were 248 votes in favor and 187 against the proposal. The PRD left-wing party firmly opposed the solution arguing that five days were not enough and that the bill did not meet the standards in international trends. Deputy Teresa Mujica (PDR, left-wing) along with others openly opposed the bill in this iteration and proposed to go back to the original 10-day leave. However, in late October, the reform was passed in the Senate, allowing for five paid labor-days for men in employment.

It is worth highlighting the short amount of time that passed between the proposal from the Executive and the final approval of the bill in the Senate, compared to the usual time it takes for a bill to pass in the Mexican Parliament. This extensive Labor Law reform, which had been on and off debated for more than 40 years, was passed in both houses in less than two months. The reform was approved in the last months of former President Felipe Calderón’s term (PAN). His opponent Enrique Peña Nieto (PRI) had already been elected as the next President and was about to begin his term. This window of opportunity was key as both the historically rival parties negotiated behind closed doors and approved the reform.

Although the timing of the bill gave a margin of freedom to President Calderón, who managed to finally push through a major Labor Law reform, the short time frame and the closed-door nature of negotiations left no room for actors with a gendered perspective to influence the content of the legislation. For this reason, women’s groups and women parliamentarians across the party spectrum framed the reform as a failure. The gap between what had been proposed by the Executive and what was finally approved generated disappointment among gender equality advocates.

The Executive branch party leadership and Labor Committee were the key actors that negotiated the content of the bill. Because women do not comprise a critical mass of any of these groups, women were largely absent from these negotiations. Furthermore, the women’s movement was not active around this issue. In direct contrast to the absence of pressure from the women’s movement, private interest groups were vocal in their opposition to the bill and

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exerted a strong influence. Parliamentarians were not willing to upset this powerful interest group by passing a more aggressive Labor Law reform. Due to the short time span and highly hermetic male-dominated discussions, women parliamentarians and the gender equality committee had difficulties influencing the outcome.


A 2011 amendment to the Mexican Federal Election Code (COFIPE) requires that proportional and first past the post Deputies and Senators only be replaced by candidates of the same gender. It was introduced in January of 2010 by Deputy Mary Telma Guajardo (PRD, left-wing).

The issue of parties circumventing electoral rules gained national media attention in 2009 when businessman Rafael Acosta (PT, left-wing), called “Juanito,” was nominated by the Work Party (Partido del Trabajo) under the condition that he would renounce his seat to allow another politician to take his place. The term was later used to describe the phenomenon of female candidates on party lists being replaced by male relatives upon reelection. In 2009, eight women Deputies were replaced by men shortly after being elected. In 2010, 13 women Deputies were replaced by men. The bill is currently pending support in both houses; however, the impact of this reform can already be observed. After a court case brought by female deputies, including the bill’s sponsors, the Electoral Tribunal of the Judicial Power dictated in 2011 that the 60 percent and 40 percent gender quotas must be respected, thus making the democratic primary loophole and the “Juanitas” phenomenon illegal. This ruling was in place for the July 2012 elections and its impact can be observed in the result. For the first time ever, women reached critical mass in both houses with 37 percent women in the Chamber of Deputies and 33 percent women in the Senate.

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One of the driving forces behind the success of the reform was the role of key women parliamentarians like Telma Guajardo, and others who were able to act independently of their parties. Media coverage of the “Juanitas” scandal incited public outrage and allowed women parliamentarians to be successful in pushing the reform without party support. In a rare move, women parliamentarians raised their voices in opposition to their own parties. These women parliamentarians risked retributions from their parties had the tribunal dismissed their case.

The Gender Equality Committee also played an important role as it galvanized politicians to act in opposition to their parties to demand that the spirit of the quota laws be respected. The current president of the Gender Equality Committee in the Chamber of Deputies Martha Lucía Micher Camarena (PRD, left-wing) emphasized that several women took action against their own parties to enforce the gender quotas: “Women started judicial processes against the decisions made by their parties. Parties engaged in internal quotas, but they were not respecting them.”

Another key factor was the involvement of key female party leaders. Josefina Vázquez Mota, the 2012 presidential candidate for the right-wing party PAN, made a public show of demanding that PAN party leader Gustavo Madero respect gender quotas in the upcoming election.

10. Conclusions and Lessons Learned

Both of the legislative processes that led to the passage of these bills contain elements of success and failure. In the case of the Mexican Electoral Code reform, women used a key moment of public engagement to spur policy changes. The reform of the COFIPE followed the widespread “Juanitas” scandal media coverage. The support of the judiciary also played a key role in pushing through the change. On the contrary, in the failed paternity leave Labor Law reform, women were notably absent from the conversation because of a lack of women’s representation in the party leadership on the Labor Committee. They did not influence nor participate in the debate, even though paternity leave is clearly intertwined with the issue of gender equality.

Box 2.1: Excerpt from Interview with the President of the Gender Equality Committee Chamber of Deputies

*Question: Can you explain more about the impact of gender quotas in Mexico?*

The quota is an affirmative action option. If it was not for the quotas, probably many parties would ignore women. But the problem is that women are expected to meet standards that nobody requires of men. Qualifications, experience, and characteristics as if you were born deputy or as if men were born senators and all of them had these skills. That is absolutely false, nobody is born a deputy, you learn. I think that without the quotas we would not be where we are now. But I am not where I am because of the quota; I am there because I have to be there. It’s because Malu (*her name*) has to be there and I am every women (…)

*Question: What about the relation between the quotas and increasing gender equality?*

Even if women’s participation increases, the presence of women does not guarantee an awareness of gender issues. We can be half or more women in parliament and the life for the women in this country does not change. … They do not care about violence against women!

*Question: Women themselves don’t care about violence against women?*

Yes! They discriminate. Women do not hire women, they hire only men, and they do not act consistently. Not because you have lots of women in parliament, [the] life of women will change (…)

*Question: Why do you think this happens?*

Because we are not really working on international treaties, on the obligations that Mexico has made about women’s human rights and equality, on conventions …The reason why I think we should involve women, even if they are there because of a quota, we have to make them study … agreements, the laws and documents Mexico has signed in relation to the human rights of Women.

*Question: Is that the role of the Gender Equality Commission?*

No, that is not the role. But it is part of what we have been doing. Of course, yes, it is part of our action plan.
Another factor that contributed to the success of the gender quota bill was the involvement of critical actors. The judicial complaint and the bill introduced by Deputy Mary Telma Guajardo and other women deputies, despite the possibility of political retribution, were crucial in the case of the quota bill. In addition, the public participation of influential women politicians, such as Josefina Vázquez Mota’s was a significant contributing factor in galvanizing public support. Her public speech directly targeted party leaders and increased their visibility and accountability. Secondly, her strategic position as a presidential candidate allowed her to raise general awareness and demand high-level action within her party.

Critical mass alone was not enough to determine the success or failure of these bills. Instead, women in critical actor positions were important for pushing through gender-targeted legislation in Mexico. Leaders within the parties and committees play a major role in the fate of Mexican legislation. As the negotiation process often occurs in closed-door discussions in committees and party meetings, the role of party leaders is fundamental. This factor is strongly related to Mexican parliamentarians’ strong party allegiances, which make independent agenda setting more difficult. As mentioned in the previous sections, Mexican politicians are under enormous pressure to support the agenda dictated at the party level. An individual parliamentarian will rarely go against his or her party or introduce a bill that is not part of the party agenda. Therefore, to increase the amount and integrity of gender-targeted legislation, women must be included among party leaders who set the agenda.

In both bills analyzed, the participation of Mexican civil society, in particular the women’s movement, was nonexistent or very low. The lack of a unified and determined movement to demand more attention be paid to issues of gender equity is a major roadblock to passing gender-targeted legislation. If the women’s movement were more independent and unified, it could help support women parliamentarians in their fight to pass and increase the amount of gender-targeted legislation.
Chapter 3: Uganda Case Study

Women’s representation has been on the rise in Uganda since the introduction of a reserved seats system in Parliament in 1989. The quota was further strengthened as a legal mechanism by a new, gender-sensitive constitution that was adopted in 1995. The national commitment to gender equality and the increasing trend in the number of women parliamentarians has raised hopes for the passage of gender-targeted legislation. However, as this study will show, the presence of women in Parliament alone has proved to be insufficient for changing the legislative agenda. The strength of the women’s movement, consensus building between women parliamentarians, and the buy-in of men parliamentarians are also crucial factors in determining the success of gender-targeted legislation in Uganda. This study on Uganda will analyze these factors in greater detail through the examination of two gender-targeted bills, the failed Domestic Relations Bill (2003) and the successful Domestic Violence Act (2009). Based on this analysis, this study will also offer lessons that could facilitate the passage of gender-targeted legislation in the future.

1. Gender Inequality and Cultural Context

Like many African states that have shown a commitment to uproot gender inequality in their society, Uganda stands at a crossroads. It boasts one of the most gender-sensitive constitutions in Africa and, in recent years, has enacted a series of legislation that aims to correct power imbalances between men and women. Uganda also ratified the Convention on the Elimination of All Forms of Discrimination against Women on July 22, 1985. In spite of this legislative progress, gender inequality continues to hamper the lives of Ugandan women, particularly in the domestic sphere where women are subjected to violence and face discriminatory customary norms.

According to a United Nations Population Fund report, “15 percent of pregnant women experienced physical violence, and the first sexual encounter of 24 percent of women was violent.” The law criminalizes domestic violence, yet the problem continues to be widespread. A report by the International Federation for Human Rights (FIDH) explains that the law has not been consistently enforced and women have faced a number of obstacles in seeking justice,

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including the financial cost of making a domestic violence complaint.\(^{82}\) Furthermore, in spite of civil society’s efforts to change attitudes, it is still widely believed that domestic violence is acceptable.\(^{83}\)

Women are also disadvantaged by discriminatory customary practices. These practices include early marriage, widow inheritance, and the denial of women’s rights to inheritance and property ownership.\(^{84}\) The women’s movement has been at the forefront in pressing for legislative change on these issues; however, the ongoing battle in Uganda’s National Assembly today is a testament to the challenge of rectifying women’s unequal treatment in the domestic sphere.

2. The Women’s Movement

The women’s movement in Uganda is a collective of women leaders and organizations which has grown in size and force since the 1940s. From as early as the mid-1960s, women attempted to reform customary laws on divorce, marriage, and inheritance. Until the mid-1980s, their efforts were thwarted by men parliamentarians who opposed gender equality and further challenged within political parties as party lines were not in line with gender equality. The women’s movement was also suppressed by the state, particularly during Idi Amin’s regime.

The women’s movement, however, gained greater autonomy and made strides towards women’s advancement when the National Resistance Movement (NRM) came to power in 1986. After attending the 1985 World Conference to Review and Appraise the Achievements of the UN Decade for Women in Kenya, women activists returned to Uganda and lobbied the NRM to include women leaders in government ministries as well as advocated for reserved seats for women in the National Assembly.\(^{85}\) They also advocated for the creation of a women’s ministry and, during the early 1990s, formed a non-partisan women’s caucus to ensure that women’s rights were promulgated in the revised 1995 constitution.

The strength of the women’s movement is also evident in their continued pressure for legislative change. Their efforts have led to a mixture of success, such as the enactment of the Domestic Violence Act (2010), and failure, such the failed Domestic Relations Bill (2003), which

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has allowed for the persistence of discrimination against women on issues of divorce, marriage, inheritance, and property rights.

3. Political Background and Legislative Structure

Uganda’s unicameral National Assembly consists of both directly and indirectly elected members, as well as the Vice President and cabinet ministers who are considered ex officio members without the right to vote. All members serve five-year terms. Constituency representatives are elected by a simple majority vote in single-member constituencies. The indirectly elected members are comprised of youth representatives, representatives of persons with disabilities, representatives of workers, and Uganda People’s Defence Forces representatives. The Constitution requires that at least two of the army representatives and at least one of each of the remaining three groups be women.

Uganda’s Constitution also mandates that Parliament include one woman representative for every district. Previously, electoral colleges indirectly elected district women representatives. Since the reintroduction of the multi-party system in 2005, district women representatives are elected directly by voters on a special ballot in each district for women candidates. Women are also eligible to run for the regular constituency seats in Parliament.

There are currently 375 parliamentarians serving in the Ninth Parliament. Of the total members, 44 parliamentarians are unaffiliated and the remaining 331 represent seven political parties. An overwhelming majority of both men and women parliamentarians are members of the NRM. The NRM came into power in 1986 and has since controlled the executive and legislative agendas. Historically, members of the NRM have been very loyal to the party and its political agenda.

The NRM has the most influence over the legislative agenda through legislation introduced by Cabinet ministers known as Executive Bills. These “Executive Bills” have been the most common form of legislation.\(^{86}\) Ministers first introduce to the Cabinet legislative proposals that are relevant to their Ministries. If the Cabinet approves the proposed bill, it tasks the Ministry of Justice and Constitutional Affairs with drafting the bill. Once the drafting process is complete, the Executive Bill is ready to be introduced into the National Assembly. An individual parliamentarian or the Chairperson of the House Committee in the National Assembly may also introduce legislation, referred to as a “private member’s bill.” A parliamentarian working on a private member’s bill is eligible to receive assistance from the relevant government departments in drafting the bill. However, parliamentarians are restricted from introducing private member’s bills that are fiscal in nature as this is considered to fall under the purview of the executive branch.

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Once a bill has been introduced and read for the first time in the National Assembly, it is referred to the appropriate sessional committee for examination based on subject matter. This committee stage is especially important when an Executive Bill is under consideration because it provides a forum for meaningful debate by stakeholders as well as parliamentarians who may not have been involved in consultations prior to the bill’s introduction.  

Within the legislative branch, there are two committees that focus on women’s issues. The Committee on Equal Opportunities is the standing parliamentary committee that works on issues of gender equality. For the Ninth Parliament of Uganda (2011-2016), there is also a sessional Committee on Gender, Labour and Social Development.

**Figure 3.1: The Legislative Process in Uganda’s National Assembly for an Executive Bill**

4. **Women in Parliament**

During colonialism and long after Uganda’s independence, women in Uganda were considered “minors” and were, consequently, excluded from decision-making positions in public institutions.  

For example, in 1980, out of 143 seats in the National Assembly only one seat

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88 Uganda gained its independence in 1962.

was held by a woman.\textsuperscript{90} The number of women parliamentarians increased after 1989, following the NRM’s affirmative action policy, which introduced one reserved National Assembly seat for a women parliamentarian in each of the country’s 34 districts.\textsuperscript{91} The reserved seats system was formally established by law with the adoption of the new constitution in 1995. Since the implementation of the quota policy, the number of reserved seats has continued to increase as the government has created additional districts in Uganda. In the current parliament, there are 112 district women MPs each representing one of the country’s 112 districts.

Until 2006, electoral colleges elected women to fill reserved seats.\textsuperscript{92} This process was criticized for depriving voters of their right to directly elect district women representatives. After years of campaigning by the women’s movement, and opposition from President Museveni, the National Assembly permitted district women candidates to be elected by adult suffrage.\textsuperscript{93}

Discussing the merits of the NRM’s affirmative action policy, Aili Mari Tripp points out that reserved seats provided women with the exposure, political experience, but more importantly, the confidence to run for regular, county-level seats in parliament.\textsuperscript{94} Thus, Uganda has witnessed a steady increase in the number of women parliamentarians due to the political space its affirmative action policy has provided for women’s participation in politics.

\textsuperscript{90} Aili Mari Tripp, \textit{Women and Politics in Uganda} (Madison, University of Wisconsin Press, 2000).

\textsuperscript{91} Ibid.

\textsuperscript{92} Electoral colleges consist of officers from the Local Councils and Women’s Councils. Local Councils include officers from the village level (LC1), parish level (LC2), sub-county/town level (LC3), county level (LC4) and district level (LC5). Only officers from the lower three levels in the Local and Women Councils are allowed to participate in the electoral colleges. Source: Kari Nordstoga Hanssen, \textit{Towards Multiparty System in Uganda: The Effect on Female Representation in Politics}, Chr. Michelsen Institute, CMI Working Papers, Number 9 (Bergen, Norway, 2006). Available from www.cmi.no/publications.


\textsuperscript{94} Aili Mari Tripp, \textit{Women and Politics in Uganda} (Madison, University of Wisconsin Press, 2000).
The figure above shows how the share of women in parliament has increased from 1997 to 2011. In the first parliamentary elections following the adoption of the 1995 Constitution, women accounted for 18 percent of the members of the Sixth Parliament (1996-2001).\(^95\) The Seventh (2001-2006) and Eighth (2006-2011) Parliaments each recorded steady gains in the number of women parliamentarians, with more than 24 percent and 29 percent of the share of seats respectively.\(^96\) In 2011, women parliamentarians won over 34 percent of the seats in the Ninth Parliament (2011-2016).

In contrast, the National Assembly has seen a slower change with respect to an increase in the number of women in leadership roles. Rebecca Kadaga, the current Speaker of Parliament, is the first female speaker in Uganda’s history. Kadaga served as Deputy Speaker from 2001 until her election as Speaker in 2011. As part of her responsibilities as Speaker, Kadaga chairs the Parliamentary Commission, the Committee on Appointments, and the Business Committee. The Rules of Procedure for the current parliament also require the Speaker to ensure that women chair at least 40 percent of the sessional (sectoral) committees.\(^97\) However, enforcement has been lacking. Under the current parliament, women only make up 25 percent of chairpersons of the sessional committees.

In addition to the shortage of female leaders, parliamentary committees are greatly unbalanced in terms of male and female membership. Men parliamentarians heavily outnumber their female counterparts in most committees. Of the 29 standing and sessional committees, there are nine committees with a female majority. These include the Committee on Equal Opportunities, the Committee on Human Rights Affairs, the Committee on Gender, Labour and Social Development, and the Committee on Health.

5. Legislative Trend

An examination of legislation passed by the Uganda National Assembly between 2001 and 2011 shows an increase in the number of bills targeting gender equality. Uganda seems to exemplify the theory that an increase in gender-targeted legislation is likely to occur as more women take on positions in parliament. While the numerical presence of women parliamentarians certainly had some bearing on the kinds of issues discussed in the legislature, the rise in the number of gender-targeted legislation between the Seventh and Eighth Parliament is likely to have resulted from the direct election of district women MPs, the strength of the Uganda Women’s Parliamentary Association (UWOPA), and NRM political maneuverings.

Few legislative gains were made between 2001 and 2006 on issues that concern women.\textsuperscript{98} Ugandan women fought for legislation on land rights, inheritance, and equality in domestic relations.\textsuperscript{99} In 2003, the Uganda women’s movement (UWONET) pressured parliamentarians to pass an amendment to the 1998 Land Act that would give all family members access to land (previous attempts to pass an amendment that gave women the right to co-own land with their spouses failed). In 2003, UWONET also advocated for the Domestic Relations Bill (DRB), which consolidated laws on marriage, divorce, polygamy, and bride price and sought to advance women’s rights on these issues.\textsuperscript{100}

Its efforts, however, were hindered by President Museveni who pressured NRM parliamentarians, who comprised a majority in the National Assembly, to stymie the passage of both bills. At the end of the Seventh parliament, despite the share of 28 percent women parliamentarians, the two obvious pro-women bills were obstructed. Instead, Parliament passed the Persons with Disabilities Bill (2005) and the Employment Bill (2006), which addresses sexual harassment, forced labor as well as maternity and paternity leave. Muriaas and Wang primarily blame “executive dominance” in the legislature for this dismal outcome.\textsuperscript{101}

However, as will be shown in the discussion of the DRB, divisions among parliamentarians along the lines of gender and religion also served as obstacles to gender-targeted legislation.

In contrast to the Seventh Parliament, the Eighth Parliament passed a substantial number of bills that promoted gender equality. The legislation includes the Prohibition of Female Genital Mutilation Act (2010), the Prevention of Trafficking in Persons Act (2010), the Equal Opportunities Act (2010), which establishes an Equal Opportunity Commission as required by the constitution, and the Domestic Violence Act (2010). Women parliamentarians held 30 percent of seats in the Eighth Parliament; however, the quantity as much as the quality of women MPs may have contributed to these legislative gains.102

As district women made up the majority of women representatives, it is possible that the direct election of these MPs by their constituents in 2006 help to promulgate gender-targeted bills between 2006 and 2011. As previously mentioned, in 2006 the Parliament abolished the procedure of electing district women representatives through electoral colleges. This electoral procedure had been attacked by activists and scholars who argued that electoral colleges (which consisted mainly of men) primarily chose elite women for reserved seats, and thus created a quota system that did not reflect the diverse experiences and backgrounds of Ugandan women. Moreover, these critics argued that women elected through electoral colleges were constrained in their ability to change the legislative agenda as they were beholden to the NRM, which they credited for implementing the quota policy that put them in reserved seats in the first place.103

Until 2006, electoral colleges were compromised as the NRM controlled the selection of women for reserved seats, ensuring that these women held conservative views that aligned with the party’s stance on gender equality. Thus, even if a district woman representative favored gender-targeted legislation, she was constrained by patronage politics and toed the party line. Critics of the electoral colleges advocated for electoral reform in which district women representatives are directly elected through universal suffrage. They expected that direct elections would not only lead to the election of non-elite women for reserved seats, but would also give women the freedom to push for legislation that is important to their constituents.104

Cecilia Josefsson points out, however, that after the change to universal suffrage and multi-party elections in 2006, this did not reduce support among district women representatives for the NRM. Comparing the political affiliation of county representatives and district women

102 Ibid.
representatives, she notes that in the elections for the Eighth Parliament, “73.4 percent of the women on reserved seats were affiliated with NRM compared to 64.6 percent of the regular county representatives.” In the elections for the Ninth Parliament, 76.4 percent of the women on reserved seats are NRM members while 69.2 percent of the county representatives are affiliated with NRM. NRM women continue to dominate the reserve seats, and by extension, the NRM continues to exercise control over district women representatives. This explains why the biographies of district women representatives show less of an indication to promote the advancement of women issues. It seems that appearing to align with their party’s values and vision of gender equality still remains of critical importance for district women representatives than outright support for women’s empowerment despite electoral reform.105

The reality is that district women representatives are walking a tight rope: balancing their allegiance to the NRM and to their constituents. Muriaas and Wang agree with this assessment, noting that a change in the electoral system, and the return to multi-party elections, has not lessened the NRM’s dominance. Yet it has created the political space, however slight, for women MPs to fight for the demands of their constituents.106 Similarly, Josefsson asserts that electoral reform may impact “women’s legislative autonomy and their possibilities to further the interest of women in Parliament,” which is evident by the series of gender-targeted legislation passed after 2006.107

Muriaas and Wang also suggest that the legislative gains of the Eighth Parliament were in part an outcome of political maneuvering by the NRM. They argue that President Museveni repositioned the NRM as a pro-women’s political party in preparation for the 2011 elections to garner support from women constituents, who were frustrated by the NRM’s obstruction of the legislative process. However, the authors also emphasize that UWOPA continued to actively collaborate with civil society organizations and development agencies to advocate for laws that are important to women.108

If one were to pull out key elements that led to the increase in the number of gender-targeted legislation from the Seventh to the Eighth Parliament, certainly a “critical mass” of women parliamentarians was necessary. However, perhaps more important than critical mass and the direct election of women by their constituents was the continued advocacy by UWOPA and civil society organizations to counteract the NRM’s control of the legislative process and their efforts to bring men parliamentarians on board in support of gender-targeted legislation as will be shown in the following discussion of the Domestic Violence Act.

105 Ibid.  
107 Ibid.  

In 1994, the Attorney General and the Minister of Justice tasked the Uganda Law Reform Commission (ULRC) with a study on domestic relations in order to draft a new family law. The outcome of the three-year study was a draft of the Domestic Relations Bill (DRB). Though the need to review the country’s family laws had been under consideration since the 1960s, this was the first time a comprehensive draft bill was produced.\(^\text{109}\) The draft DRB sought to consolidate laws relating to but not limited to marriage, divorce, widow inheritance, marital rape, and bride price. Immediately, the bill faced strong opposition from the Muslim and conservative Christian communities due to its provisions on religious and cultural practices, including polygamy, widow inheritance, and bride price. After several years and many failed attempts by women parliamentarians and civil society advocates from the Domestic Relations Bill Coalition to table the bill, the Cabinet finally made promising strides towards approving the DRB in the fall of 2003. The women’s movement moved to intensify its advocacy efforts in order to apply pressure on the Cabinet by releasing press kits and organizing advocacy campaign workshops. The Cabinet approval for the DRB was handed down in November 2003.

With Cabinet approval, Attorney General Francis Ayume formally introduced the DRB to Parliament on behalf of the Minister of Justice and Constitutional Affairs, Janat Mukwaya, on December 9, 2003. The period following the first reading of the bill proved to be challenging as one obstacle after another delayed progress on the bill. The Speaker at the time, Edward Ssekandi, did not send the bill to the Committee on Legal and Parliamentary Affairs until the

following February due to a delay in the submission of the bill’s certificate of financial implications. Once the Committee finally received it, it took another 13 months for the Committee to finish consulting parliamentarians and stakeholders.

The Committee presented its report on the DRB and recommendations to Parliament in March 2005. The report was critical of several aspects of the bill, such as the condition of consent by the first wife before a man can marry a second woman, calling it a “dehumanizing request” for the first wife. It also recommended that other contentious issues be deleted from the bill to facilitate its passage, including the marital rape, cohabitation, and widow inheritance (the practice by which a male relative of a deceased man inherits the man’s widow as his wife).\(^\text{110}\)

Though parliamentary procedure called for debate on the bill following the submission of the Committee’s report, further progress was halted by the government as the report did little to ease public resistance to the DRB, especially by the Muslim community. The Uganda Muslim Youth Assembly (UMWV) publicly threatened jihad in the event that the DRB was passed in its current form.

President Museveni expressed his intent to suspend debate on the bill, saying that, “it has raised a lot of public outcry and it is something which is not urgently needed. I am going to talk to Cabinet and the concerned committee and see if it can be put aside for the time being, and it will be brought back after some consultations.”\(^\text{111}\) Subsequently, in May 2005, the Minister of State of Justice and Constitutional Affairs, Adolf Mwesigye, requested that the Deputy Speaker at the time, Rebecca Kadaga, suspend debate until the ULRC completed further consultations with stakeholders in order to build consensus for the bill.\(^\text{112}\) Ultimately, the DRB remained in limbo for three years until the ULRC chose to split its provisions into three separate bills: the Domestic Violence Act, the Marriage and Divorce Bill, and the Muslim Personal Law. While the Marriage and Divorce Bill and the Muslim Personal Law have yet to pass, the Domestic Violence Act was successfully passed by Parliament in 2009 and enacted by President Museveni in 2010.


As the DRB floundered in the legislative channels following the government’s decision to suspend debate, a group of women’s rights and HIV/AIDS organizations met in 2006 to discuss the need for legislation that addressed the high levels of domestic violence in Uganda. The organizations agreed to form the Domestic Violence Act Coalition in order to collectively advocate for the Domestic Violence Act (DVA) and lobby the government for its passage. While the ULRC worked on drafting the act, DVA Coalition members worked to drum up grassroots


and community support. The DVA Coalition also worked with the UWOPA and the Ministry of Gender, Labor and Social Development to create political support and pressure for the DVA.\footnote{Center for Domestic Violence Prevention (CEDOVIP), \textit{The Domestic Violence Act Coalition}. Available from http://www.raisingvoices.org/files/cedovip/DomesticViolenceActCoalition.pdf (accessed 31 March, 2013).}

After three years of intense advocacy, the Minister of Gender, Labour and Social Development, Gabriel Opio, announced that the Cabinet had approved the DVA and it was ready to be reviewed by Parliament. The DVA defines and criminalizes domestic violence, provides protection for victims, and imposes penalties on abusers. Opio urged both men and women parliamentarians to support the act, saying that, “men should not be scared, the law is not intended to protect only women, but all victims of violence in homes. Sometimes the men are the victims - they are beaten by their partners.”\footnote{Arthur Baguma, “Domestic Violence Bill Could Help Fight Silent Deaths,” \textit{New Vision}, 9 March 2009. Available from allfrica.com/stories/200903100041.html.} In June 2009, the Minister of State for Justice and Constitutional Affairs, Fred Ruhindi, tabled the DVA in Parliament. The act was subsequently referred to the Committee on Legal and Parliamentary Affairs.

In November, parliamentarians rushed to pass the DVA following the sensational murder of former army commander Major General James Kazini by his girlfriend, the result of a domestic dispute. The day after General Kazini’s death, Ruhindi presented the act for its second reading, which was then followed by a parliamentary debate. A recurring theme throughout the debate was the act’s impact on not only women, but also men and children. The act was passed by Parliament on the same day.\footnote{The Official Report of the Parliament of Uganda (Hansard), 11 November 2009.}

\section*{8. Analysis of Domestic Relations Bill}

The DRB was first and foremost mired by the controversy surrounding its provisions that threatened certain religious and cultural practices, such as polygamy. The strong resistance by the influential Muslim and conservative Christian communities delayed the DRB and made the government reluctant to push for its passage, despite having signaled its support for the bill in earlier stages. With the UMWV threatening jihad, the NRM government used its executive power to interrupt the parliamentary process and halt progress on the DRB.

Despite the many challenges to the DRB, the women’s movement was instrumental in keeping it alive over the years. Women’s rights organizations formed the Domestic Relations Bill Coalition in order to improve their advocacy for the bill. Following the introduction of the bill to Parliament, members of the DRB Coalition organized campaigns and workshops to create exposure for the DRB and gather support. The Uganda Women’s Network put together a press kit for the media to ensure that there was adequate and accurate coverage on the DRB. UWOPA also organized an advocacy campaign workshop for the bill, which was opened by the Minister of State in the Office of the Vice President, Adolf Mwesigye. Like Buturo, Mwesigye
assured workshop participants that the DRB was a good bill that would curb discrimination against women.\footnote{John Kakande, “Bill sets terms for polygamous men,” \textit{New Vision}, 14 November 2003. Available from www.newvision.co.ug/PA/8/13/320014.}

In order to ensure that parliamentarians understood the importance of the DRB, Law and Advocacy for Women in Uganda (Law-U) reached out to relevant parliamentary committees in order to distribute information on the DRB and sensitize parliamentarians to the issues in the bill.\footnote{Nabusayi L. Wamboka, “Will the DRB settle troubled marriages?” \textit{Observer}, 2 December 2004. Available from http://www.observer.ug/new/specials/wedit/we20041202.php.} Moreover, when the government suspended debate and ordered the ULRC to engage in further consultations with stakeholders for the DRB, UWOPA organized a meeting with Muslim leaders and parliamentarians in order to build greater consensus. Though Loice Bwambale, a women parliamentarian and the UWOPA chairwoman, had called the meeting in good faith, Muslim leaders ultimately accused the women’s caucus of attempting to mislead and confuse the Muslim community about the bill and staged a walkout.\footnote{Emma Mutaizibwa, “Muslims walk out on family law meeting,” \textit{Daily Monitor}, 10 August 2007. Available from http://www.monitor.co.ug/News/Education/-/688336/771426/-/10he9vn/-/index.html (accessed March 20, 2013).}

While the DRB Coalition worked hard to gather support for the DRB from the public and men parliamentarians, women parliamentarians struggled to harmonize their own positions on the bill. Key supporters in parliament included vocal women parliamentarians like Miria Matembe and Dora Byamukama. These women were known to be passionate women’s activists who fought hard to not only get the bill on the parliamentary agenda, but also to keep it there. Despite the presence of vocal advocates for the DRB within parliament, many other women parliamentarians were very hesitant to support the Bill due to pressure from the NRM government. Because they were elected to parliament through the backing of the NRM, many women parliamentarians felt indebted to the party and fell in line with the NRM’s platform, distancing themselves from the women’s movement.\footnote{Ali Mari Tripp, “Uganda: Agents of Change for Women’s Advancement?” in \textit{Women in African Parliaments}, Gretchen Bauer and Hannah E. Britton eds. (Colorado, Lynne Rienner Publishers Inc., 2006).} There was also a lack of consensus among women parliamentarians on the reforms that the DRB outlined. The DRB was drafted with the assumption that women have the same goals for gender equality and thus, did not account for the intersectionality of women’s identities.

The resistance to the bill was clearly most present among men parliamentarians. They felt alienated by not only the DRB’s language on family law, but also by the way that women parliamentarians and civil society supporters framed the issues contained in the bill. Men viewed the DRB as legislation that addressed the concerns of women by requiring men to change their behavior. In discussing the failure of the DRB, Speaker Ssekandi noted in a parliamentary session that, “the Domestic Relations Bill has been with us for many years but it
was found that it was badly packaged and it has not been re-packaged.... The marketing aspect of that Bill was a bit faulty and this had some negative effects on some of your colleagues in that it was always presented as a law for the women and to protect the women. I think this must have scared a number of your men colleagues and there was foot dragging.”

Because men parliamentarians were not included in the drafting of the DRB, many felt that it did not address their own concerns and did not provide adequate support for the bill’s passage.

With its comprehensive set of provisions governing domestic relations, the DRB offered an opportunity to realize the principles of gender equality that had been enshrined in the constitution. The women’s movement fought a long battle to gather support for the bill from the public and parliamentarians and to keep the bill on the legislative agenda. Yet, despite advocates’ best efforts, the DRB’s more controversial provisions overshadowed its significance for gender equality. Moreover, there was a lack of consensus between men and women parliamentarians that ruined the bill’s chances for passage. However, the failure of the DRB was not a complete setback, as it provided important lessons in the drafting and advocacy of future gender-targeted legislation. According to Chris Baryomunsi, a male parliamentarian and well-known women’s advocate, “part of the way forward is to mobilise both the men and women - because it is wrong to assume that it is only the men who are opposing the provisions in this Bill. We know that the failed Domestic Relations Bill was also resisted by some women. So we must simplify these messages which are contained in the Bills and explain them to the public.”

9. Analysis of Domestic Violence Act

Given the immense public pressure to pass gender-targeted legislation after the disappointing failure of the DRB, parliamentarians moved quickly to pass the DVA. It helped that the act was much more issue specific compared to its predecessor and thus, more palatable to those who had previously opposed the DRB. Furthermore, the death of General Kazini intensified public scrutiny and pressured Parliament to take immediate action on the issue of domestic violence. However, the relatively swift passage of the DVA would not have been possible without the advocacy and lobbying campaigns that the DVA Coalition had undertaken long before the act was ever introduced to Parliament by the government.

The DVA Coalition, led by the Center for Domestic Violence Prevention (CEDOVIP), was responsible for returning the question of domestic violence to the political agenda after the withdrawal of the DRB. It first targeted its advocacy activity at the grassroots level, urging local communities to reach out to their representatives and demand legislation on domestic violence. It encouraged people to talk to their representatives in order to learn about the DVA,

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which in turn would force parliamentarians to actually read and understand the contents of the act. According to Tina Musuya, Executive Director of CEDOVIP, the goal was to cultivate support for the act organically by allowing local communities to feel that they were initiating the campaign for the DVA.\footnote{Interview with Tina Musuya, CEDOVIP, 28 March 2013.}

The DVA Coalition also worked closely with UWOPA to build support within Parliament and the government. It provided talking points for the DVA to the Ministry of Gender, Labour and Social Development and other Cabinet members so that they would provide the correct and most persuasive information to Parliament. The DVA Coalition worked to frame the talking points so that the DVA was appealing to both men and women parliamentarians. Domestic violence was portrayed not as a women’s issue, but as a family issue that required the attention of men and women. Women parliamentarians, including Speaker Kadaga, were recruited by the DVA Coalition to attend campaign events and workshops to lend their voice in support of the passage of the DVA. The aim of the DVA Coalition’s advocacy was to drum up as much support as possible before the DVA was introduced so that passage of the act would be quick and successful.

Additionally, the DVA Coalition and UWOPA were actively including men parliamentarians in the dialogue by providing them with information on domestic violence and seeking their support on gender-targeted legislation through workshops and active lobbying. In addition to the DVA, the other pieces of legislation in question at the time were the Marriage and Divorce Bill and the Prohibition of Female Genital Mutilation Bill. Given that men still comprised over 70 percent of Parliament, advocacy targeted specifically at men parliamentarians was an essential strategy for the DVA Coalition. MP Baryomunsi strongly supported this strategy saying, “Once male legislators are on board, it becomes easy for them to communicate to the rest of the men in the country. When we present this law (as one that is) good for us the leaders, then men in the community will definitely accept and know that it is good for them.”\footnote{“Q&A: Proposed Women’s Rights Legislation Gets One Man’s Vote,” Global Information Network wire feed, 13 October 2009, ProQuest (457549535) (accessed 4 March 2013).}

The passage of the DVA was a significant victory towards the realization of gender equality in Uganda. Though the women’s movement was forced to make certain concessions in the language of the DVA to ensure its passage, such as the exclusion of marital rape, the act provided the first legal protections against domestic violence. Its passage also highlighted the women’s movement’s effectiveness in grassroots mobilization and political maneuvering in order to ensure the DVA’s success. Advocates learned from the failure of the DRB and made it a top priority to build consensus among both men and women parliamentarians.
Box 3.1: Excerpts from an Interview with an Activist from the Domestic Violence Bill Coalition

On resistance to the provision against martial rape in Domestic Relations Bill

It’s trying to show us that we have not made any much progress around bridging the gender gap between men and women, because it’s very clear out here now and it’s so loud that people actually don’t believe that women have rights as same to men. They are not at any one time even about to recognize that a woman has a right over her sexuality and she can say yes or no to sex. They are like, “No, this cannot happen... Because why would you say that marital rape is contentious?”

And one time I got really angry and I was like, “You people, do you want to tell the public that every day you rape your wives and that you are not about to stop? If you don’t rape your wives, then you shouldn’t worry about it. And if you don’t rape your wife, you don’t know what goes on in someone else’s bedroom. Maybe you’ve never raped, but someone else is being raped every day or is about to get raped so let us make a law that whoever feels aggrieved can seek redress. Because the law... is sound protection and whoever feels aggrieved can use the law to keep safe and get justice.

On parliamentarians’ involvement in the Domestic Violence Campaign

We worked closely with the Uganda Women Parliamentary Association and the two chairpersons were greatly involved because we made it a point to involve them in whatever campaign around domestic violence. In fact, we even influenced them to create what they called the Gender-Based Violence Roundtable, so that there was a particular team that was very specific on fronting the [Domestic Violence Bill]...

So we had activities and they were participating in these activities and they were always with us and speaking in support of this bill. And they also included the male members of Parliament in UWOPA... And we ensured that we gave them the proper information to talk. Very simple, basic information that makes sense. You know when people speak of gender, patriarchy, that’s disconnecting. We do understand it ... but the people out there who don’t support the law, just don’t understand that. They fear that and it seems extremely alien when you talk about gender, patriarchy, mainstreaming. It’s too alien for them, so we ... avoided all that kind of rhetoric and complicated language.
10. Conclusions and Lessons Learned

Since the NRM’s rise to power in 1986, Uganda has made some inroads with respect to changing the power relationship between men and women in both public and private life. The 1995 Constitution recognizes equality between men and women and stipulates the implementation of laws and policies to correct gender imbalances that have especially been promoted by customary norms. A quota policy has increased the number of women in parliament throughout the years to the current share of over 30 percent women parliamentarians in the Ninth Parliament. The Eighth Parliament produced the most gender-targeted bills in the country’s legislative history. This progress was the result of concerted advocacy efforts undertaken by the women’s movement and caucus to challenge social and political impediments to gender-targeted bills that advance the rights of Ugandan women.

This case study reveals that increasing the number of women in parliament is enough to change the legislative agenda, but not enough to get gender-targeted bills passed. Women parliamentarians are facing political and social hurdles that are not easily overcome by women’s numerical presence in parliament. The NRM, the ruling party for the past 27 years, controls the legislative agenda and has effectively blocked legislation that is not aligned with its interests. The DRB, for example, was deemed too controversial for the NRM and was blocked by President Museveni. Men parliamentarians also opposed the bill because they did not believe that they could benefit from its provisions. Some women parliamentarians within the NRM who may have supported the bill were constrained for doing so because of party allegiances. Other women parliamentarians did not support the DRB because it did not align with their religious or cultural beliefs.

The comparison between the domestic violence and the domestic relations bills reveals factors that either enable or obstruct the passage gender-targeted legislation: (1) there needs to be consensus building between women and men parliamentarians to support gender-targeted bills; (2) stronger efforts are needed to gain support for gender-targeted bills from women parliamentarians with conservative religious and cultural views on women’s role in the family and society; (3) the NRM will continue to obstruct the passage of gender-targeted legislation that is not aligned with its interest. Finally, the women’s movement and caucus continues to be important for countering executive overreach by the NRM, building public support for gender-targeted bills and coordinating advocacy efforts. Both are essential components for shaping the legislative agenda and the future of gender equality in Uganda.
Chapter 4: Viet Nam Case Study

The following case study provides an overview of the gender inequality and cultural context of Viet Nam, as well as its political structure and legislative process. The study then explores the status of women in parliament and the trends of gender-targeted legislation in recent decades. Finally, it examines the introduction, drafting, and passing of the 2006 Law on Gender Equality. The analysis highlights the factors that helped and hindered the passage of this gender-targeted legislation and discusses the two provisions that were omitted from the final version of the law: (1) formal quotas for women in the National Assembly, and (2) an equalization of the retirement age for male and female public servants.

11. Gender Inequality and Cultural Context

Since gaining independence from the French in 1956, Viet Nam has undergone many tumultuous political, social, and economic transformations. In the 1980s, it started to move away from its centrally-planned economic model to a market-economy, ushering in the era of Doi Moi (New Change) economic reforms and the policy of Mo Cua (Open Door). Together, these policies opened the Communist country to myriad external forces that have affected gender roles that are deeply rooted in Confucian traditions. The Doi Moi era also reinforced regional and urban/rural divisions in modernization and development that are mirrored in the disparity in gender equality across the country. Research suggests that improvements in women’s health outcomes and access to education and economic opportunities may have also been influenced by international organizations and donor agencies that have supported the Government of Viet Nam’s efforts to enhance gender equality.

The Constitution of Viet Nam recognizes gender equality and the country has enacted critical reforms in this area, including reform of land titles, domestic violence laws, and laws to improve women’s political participation to ensure greater equality between the sexes. Viet Nam became a signatory to the Beijing Pact in 1995 and was one of the early adopters of the


Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1982. According to UNDP’s Gender Inequality Index (GII), Viet Nam outperforms many of the countries in the East Asia and Pacific region in terms of gender equity in reproductive health, empowerment, and economic activity. These three dimensions are measured by maternal mortality and adolescent fertility rates; share of parliament seats held by each gender and attainment of secondary and higher education by each gender; and the labor participation rate for each gender. The Index ranges from 0, which indicates that women and men fare equally, to 1, which indicates that women are as disadvantaged as possible in all three dimensions of measurement. The 2012 GII value for East Asia and the Pacific is 0.333, whereas Viet Nam’s value is 0.2999 and its overall ranking is 48 out 148 countries. Other high performing Asian countries include Thailand and the Philippines, ranked 66 and 77 respectively.

Viet Nam has made major strides toward achieving the Millennium Development Goals (MDGs) of gender equality and empowering women. Women’s labor force participation has reached 72 percent versus the 84 percent participation rate among men. However, women are confined to specific economic roles and have limited access to higher wages and higher-skilled employment, as well as opportunities for skill improvement. In terms of education, there is parity between men and women at the primary and secondary school education level. According to the World Bank, Viet Nam achieved universal primary education in 2000 and is on track to achieve universal secondary education, though there is observed gender inequity in higher education and access to extra educational support from parents. The country has also made a remarkable achievement in reducing child and maternal mortality and there is an observed female advantage in access to healthcare except in the case of rural young and old women. Despite these improvements, women continue to face a high risk of HIV/AIDS infection and domestic violence, and the falling sex ratio of Viet Nam suggests a persistence of traditional Confucian son preference despite increased educational and economic opportunities for women.

128 Ibid.
129 Ibid.
131 Ibid., p. 19.
12. Political Background and Legislative Structure

Viet Nam is a one-party state led by the Communist Party of Viet Nam (CPV). The highest body of the CPV is the National Party Congress, which meets every five years and elects the Central Committee, the party organization in which political power is vested. The Central Committee elects the general secretary of the CPV as well as the Politburo, which runs party affairs when the Central Committee is not in plenary sessions. The government of Viet Nam is comprised of the prime minister, deputy prime ministers, ministers, and heads of organizations of ministerial rank. The CPV, the government, and the Fatherland Front, an umbrella organization for mass and special interest groups, have a dependent relationship within the one-party state structure. The structure is most easily understood as a party (CPV) that “leads,” a government that “manages,” and a mass organization (Fatherland Front) that “represents” the people. The CPV sets the policy direction, which is then implemented by the government. The Fatherland Front has the legal mandate over National Assembly elections and is responsible for compiling the candidate lists.

The legislative body of the government is a unicameral parliament called the National Assembly. The term of the National Assembly is five years and its members, known as deputies, meet biannually for two 30-day sessions. There are currently 500 members in the XIII National Assembly, 140 full-time and 360 part-time, all directly elected from 182 multi-member constituencies. Of the 500 total members, 454 represent the CPV, 42 are non-CPV members, and four are self-nominated. The National Assembly members elect the President, the Prime Minister, and the Standing Committee, which is the permanent body of the National Assembly. The members also vote on the allocation of deputies to the nine National Assembly Committees based on individual expertise and represented constituencies.

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135 Ibid.
136 Ibid.
141 National Assembly Committees as of 2012: Committee on Social Affairs; Committee for Culture, Education, Youth, Adolescents and Children; Committee for Science, Technology and Environment; Legal Committee; Committee for Foreign Affairs; Economic Committee; Financial and Budget Committee; Judicial Committee; and National Defense and Security Committee. Source: Jean Munro, *Women’s Representation in Leadership in Viet Nam*, United Nations Development Programme (Ha Noi, 2012), p. 6.
In the first stage of the National Assembly election process, the Fatherland Front requests agencies, government bodies, and organizations to propose candidates. These proposed candidates are then vetted by the Fatherland Front regardless of whether they are CPV members, non-CPV members endorsed by official groups, or self-nominated candidates.\textsuperscript{143} In its compilation of the candidate lists, the Fatherland Front aims to reflect the composition of the population in Viet Nam and create a balanced representation of national interests.\textsuperscript{144} It considers candidate proposals from the various organs of the CPV, including the Viet Nam Women’s Union (VWU), a mass mobilization organization that was established in 1930 to represent all women in the country.\textsuperscript{145} The VWU is tasked with proposing women candidates for National Assembly and local government body elections. A public consultation then follows, with group meetings organized by the local Fatherland Front to question candidates on their character, family history, and credentials.\textsuperscript{146} The local election council, with input from the provincial People’s Council (a sub-national elected governance body) and CPV members, decides in which districts the candidates will run.\textsuperscript{147} Candidates are elected into the National Assembly by a majority vote through a two-round system, which functions as follows.\textsuperscript{148} In each electoral district, the candidate that obtains the most votes and more than half of the total votes cast is elected. A majority second round vote occurs only if not all the seats in an electoral unit are filled or the number of voters is less than half of those registered.\textsuperscript{149}

In terms of the legislative process, it is important to note that Viet Nam has received significant foreign assistance to support legal reform over the last two decades. Since the early 1990s, tens of millions of dollars have been dedicated to improving the law and legal institutions in the country.\textsuperscript{150} The first decade of donor activity focused on the reform of economic laws and


\textsuperscript{146} Ibid., p. 10.


capacity-building in the Ministry of Justice and other institutions, including the National Assembly. UNDP was actively involved in this early stage of building institutional capacity and was invited in 2000-2001, along with other donors, by the Viet Nam government to assist with the first stage of legal system strategy development and the “legal harmonization within the globalized legal system.”

Each newly-elected National Assembly has a five-year legislative agenda, determined by the outgoing National Assembly, which outlines the expected bills to be drafted and approved. This agenda is approved through a resolution, but it may be changed through a new resolution by the incoming National Assembly. Draft legislation may be presented to the National Assembly from a variety of sources including the President, the Standing Committee, any of the nine National Assembly Committees, the Supreme People’s Court, the Fatherland Front, the Viet Nam Women’s Union (VWU), and individual parliamentarians. In most cases, a bill is drafted by one of the eighteen Ministries of the Viet Nam government. Within the National Assembly Committees, most of the debate on draft legislation occurs between the chairs and the deputy chairpersons, and part-time committee members do not have much influence on the drafting process or the amendment of draft laws. Currently, women only make up 17.5 percent of full-time committee members in the National Assembly.

During the biannual sessions of the National Assembly, little time is devoted to deliberation on bills since most draft legislation brought to vote has already received input and approval from the CPV Politburo, the main policy-making body of the CPV. National Assembly members may present comments on specific draft laws during the legislative debate, but these debates “involve a more perfunctory level of participation.” The comments are compiled and shared with the Standing Committee, which then sends them to the relevant drafting committee. The committee takes the comments into consideration while drafting the final version of the law.

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151 Ibid., p. 206.
152 Ibid., p. 207-213.
154 Ibid., p. 6.
159 Ibid.
The approval of a draft law requires votes from more than half of the National Assembly membership, and after approval, an implementing decree is issued by the government.  

Figure 4.1: The Legislative Process in the Viet Nam National Assembly

Public participation in lawmaking is still limited, but has increased gradually in Viet Nam. Article 26 in the Law on the Promulgation of Normative Documents (1996) requires that drafting agencies “organize public comment” from any parties affected by the draft bill. However, discretion over whether the legislation needs public comment and whose opinions are solicited is given to the drafting agencies. Research in the last decade indicates that public consultation is seen as a “mere formality” and that most policies and laws continue to be

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drafted largely behind closed doors in the CPV and government offices, or within closed “circles” of the drafting committees.\textsuperscript{162}

Information on the legislative process is not easily accessible to the public. The transcripts of queries and responses of National Assembly sessions are available on its website, however, they are often difficult to locate and titles of the documents vary widely.\textsuperscript{163} In addition, the votes of individual National Assembly members on draft laws are not public, which makes it difficult to discern the positions of individual members.\textsuperscript{164} As Malesky, Schuler, and Tran note in their research, “The lack of a systematic account of delegate performances during the query sessions means that voters have almost no way of knowing what delegates are up to in Hanoi.”\textsuperscript{165}


Among the committees in the National Assembly, the Committee on Social Affairs focuses the most on legal projects and policies regarding women’s advancement and representation.\textsuperscript{166} The Committee also includes the Women’s Parliamentary Group, which was established in 2008 through a resolution by the Standing Committee of the National Assembly. Membership is voluntary and there are currently over 100 women parliamentarians in the group, which functions as a forum for members to share experiences, lessons learned, and strategies for improving gender equality in legislative procedures and activities.\textsuperscript{167} The Committee on Social Affairs has partnered with UN Women from 2010 until 2015 through a technical assistance project to review the gender dimensions in draft legislation and develop mechanisms to increase gender mainstreaming in the Viet Nam legislative process.\textsuperscript{168}

In response to the United Nation’s Decade on Women, the government of Viet Nam formed a National Committee for Women on February 12, 1985, which was later changed to the National Committee for the Advancement of Women (NCFAW) in 1993.\textsuperscript{169} The NCFAW advises the Prime Minister on formulation and implementation of policies and laws related to gender equality and


\textsuperscript{164} Ibid., p. 768.


\textsuperscript{167} Ibid.


women’s advancement. It also helps to mainstream gender throughout government offices and programs.\textsuperscript{170} The NCFAW currently falls under the administration of the Ministry of Labour, War Invalids and Social Affairs (MOLISA), which is the gender equality machinery of the government and supervises the implementation of the National Strategy on Gender Equality 2011-2020 and the National Programme on Gender Equality 2011-2015.\textsuperscript{171} The National Strategy includes specific objectives and targets for women’s political participation and leadership.\textsuperscript{172}

As mentioned earlier, within the CPV, the main advocate for gender equality and women’s issues is the VWU, which has over 13 million members.\textsuperscript{173} It operates on four levels throughout Viet Nam (central, provincial, district, and commune) to promote women and gender equality and it is a member of the Fatherland Front.\textsuperscript{174} The NCFAW and VWU work together to act as a national focal point for the coordination of international cooperation in the areas of gender equality.\textsuperscript{175}

14. Women in Parliament

The Viet Nam case study is one of a country that achieved more than one-third women in parliament, the so-called “critical mass,” as early as 1975. It was unable to sustain it, but has remained near the one-third mark. In the war era, it was in the CPV’s interest to mobilize women politically and economically and thus, in the post-unification and post-conflict election of 1975, 32 percent of the National Assembly members were women. However, during the 1980s, when Viet Nam was embroiled in conflict with Cambodia and excluded from major international trade subsidy treaties, the state was forced to make programmatic changes and women were made to step aside to allow men to take on leadership positions.\textsuperscript{176}


\textsuperscript{172} Jean Munro, 	extit{Women’s Representation in Leadership in Viet Nam}, United Nations Development Programme (Ha Noi 2012) p. 12.


\textsuperscript{174} Ibid., p. 22.


The period of intense market reform in Viet Nam was also a period of weak parliamentary representation of women. Duong argues that between 1986 and the 1990s, the Doi Moi reform era, the CPV accommodated the voices of young educated technocrat cadres, but those voices were not female. This era coincides with a decline in the ratio of women representatives in the National Assembly to the lowest low of 17.7 percent in 1987.\textsuperscript{177} While the market reforms opened up economic opportunities for women, they were often offered lower wages than men were and bore a double burden of unpaid household and wage-paying work. Thus, women were excluded from participating in political elections and serving in leadership capacities within the National Assembly.\textsuperscript{178}

Viet Nam ranked amongst the top 20 countries in the world in terms of women’s participation in national parliaments after its 1997 elections.\textsuperscript{179} However, after its 2011 elections, Viet Nam’s ranking had fallen to 37\textsuperscript{th}.\textsuperscript{180} This is a result of both a decline in women’s representation in Viet Nam and an increase in representation in other countries such as Rwanda and Andorra. Though women’s representation in the National Assembly has declined marginally over the last two elections the proportions of women has remained much higher than the low of 1987.\textsuperscript{181} Women’s share of National Assembly seats have fallen from 27 percent in the 2003-2007 legislative period to 26 percent in 2007-2011 period to 24.4 percent in 2011-2015 period. As Duong’s research, as well as the authors’ own interviews conducted for this study suggest, Viet Nam has the international frameworks and the infrastructure in place to bolster women’s participation in politics, especially at the national level through the aegis of the VWU and NCFAW.\textsuperscript{182} The length of time it takes for an individual to become a CPV member, the shortened careers of women parliamentarians because of a law that requires female public servants to retire at age 55, the lure of power through economic empowerment, and Confucian values that discourage women from entering into politics were all noted as potential explanations for the decline.

In the 2011 election, VWU proposed 40-45 percent women candidates to the Fatherland Front, however, only 37 percent of the candidates on final candidate lists for election were women. Part of the reason for this under-representation at the time of selection is that one-third of

\textsuperscript{177} Ibid., p. 48.
\textsuperscript{178} Ibid., p. 48-50.
\textsuperscript{180} Ibid.
\textsuperscript{182} Interview with Jean Munro, Senior Technical Advisor Senior Technical Specialist, Empowerment of Women in the Public Sector Project, United Nations Development Programme, New York and Ha Noi (Skype), 18-19 April 2013; Interview with Madam Ton Nu Thi Ninh, Former Vice-Chair of the Foreign Affairs Committee in the XI National Assembly, Viet Nam, New York and Ha Noi (Skype), 18-19 April 2013.
National Assembly seats are nominated by the CPV, selected from a pool of senior officials and incumbent parliamentarians. Although the proportion of women in the CPV rose to 32.8 percent in 2010 from 20.9 percent in 2005, the number of women in CPV committees is only nine percent.\(^{183}\) The implication of fewer women in the party is that there are fewer women to nominate to elected and administrative positions. UNDP summarizes that “...the Party is the main gatekeeper in terms of recruitment and promotion,” and thus, “it is largely men who decide who is recruited and promoted.”\(^{184}\) For women to gain greater prominence in power-broking institutions in Viet Nam, their membership and leadership within the CPV must increase.

In terms of women’s leadership in the National Assembly, there are two women Vice Presidents (out of four) in the current 2011-2016 legislative term, which is an increase over the last two terms. Though there was a drop in the proportion of women in the Standing Committee between the previous two elections, in the current term there are two women members (out of 12).\(^{185}\) The proportion of women members in other National Assembly Committees has risen to 23.6 percent in the current term over the previous term. However, the number of Committee chairs that are women has fallen while there has been a marginal rise in the number of female Vice-Chairs.\(^{186}\)

In the interviews conducted for this report, it was underscored that the quality of women in the CPV and National Assembly is just as important as the quantity of women. It was felt that the career limiting rule of retirement at 55 years of age for women dissuades many women from pushing for major (and perhaps controversial) changes. An interviewee also mentioned that the VWU has the structure and framework to be an even stronger champion of the gender equality agenda but because of a lack of strong women leaders within the CPV, it has been unable to do justice to its mandate.\(^{187}\)


\(^{185}\) ibid., p. 5.

\(^{186}\) ibid., p. 5.

\(^{187}\) Interview with Madam Ton Nu Thi Ninh, Former Vice-Chair of the Foreign Affairs Committee in the XI National Assembly, Viet Nam, New York and Ha Noi (Skype), 18-19 April 2013.
15. Legislative Trend

Between 2003 and 2013, Viet Nam successfully passed many laws, government decrees, and party circulars with a view towards increasing gender equality (see Table 1). In the same period, as noted in the previous section, the proportion of women in the National Assembly declined. Some theorists have indicated that the momentum that Viet Nam has sustained during the time period considered by this study can be attributed to the country’s sensitivity towards its international image, while others see the progress towards gender equality as an outcome of the country’s concerted effort to reduce poverty. Limited studies have addressed issues of substantive representation or researched the falling trend of women’s representation in the National Assembly.

After the era of market reforms, Viet Nam experienced rapid economic development. In addition, according to Duong, 1995-2011 marks a period of increased openness in Viet Nam towards cooperating with, and soliciting the advice of, international agencies. The combined effect of economic development and greater openness overlaps with a shift in CPV priorities towards increasing its female and ethnic minority membership and reforming political processes to be more inclusive. In 2002, the country launched its National Strategy for the Advancement of Women by 2020 to be achieved in two phases: 2002-2010 and 2011-2020. Many of the gender-targeted legislation listed in Table 1 below are acknowledged in Viet Nam’s
fifth and sixth submission reports to CEDAW in 2007. The list spanning legislation from 2000-2013 is impressive and covers many issues on women’s status in society, including land ownership, domestic violence, the Law on Gender Equality, and legislation and amendments to enhance women’s access to public office.

Viet Nam is one in a handful of countries to have both a gender equality law and anti-domestic violence legislation. However, various human rights reports suggest that many of these gender-targeted laws are not fully implemented. In particular, women in rural areas are not aware of their rights, and despite progressive laws, problems persist. An example of this is the very high rate of abortions in Viet Nam: one of the highest in the world. Despite progressive legislation, many women still turn to unsafe and illegal abortions. The reasons for this range from a lack of access to treatment facilities to the need for secrecy in the procedure due to prevalent Confucian social norms.

As per Viet Nam’s CEDAW submission in 2007, the revised Land Law and revised Statute on Social Insurance have improved women’s access to land (i.e. the names of both wife and husband appear in the Land Use Certification) as well as ensured women to have equal rights with regard to social insurance. With the revisions, those women who retired at age 55 as mandated by Viet Nam’s gender-differentiated retirement laws, and paid into social insurance for 25 years, are entitled to the same pension benefits as male labor that retired at the age of 60 and paid into social insurance for 30 years. This is a major achievement for gender equity.

However, such achievements are often confounded by the fact that “Vietnam lacks a political entity to champion the rights of women”. While Viet Nam has institutions working on gender equality—VWU, NCFAW, and MOLISA—they act within the perimeter set by the CPV. The one-party system, a lack of transparency in governance and decision-making, and a lack of political freedoms have impeded the emergence of an independent women’s civil society movement, free press, and an independent judiciary. In addition, no one unified Ministerial institution or entity oversees the implementation of various gender-targeted legislation. The Law on Gender Equality, for instance, is administrated by the MOLISA while the administration and implementation of the Law on Domestic Violence is under the Ministry of Culture, Sports and Tourism. As disparate institutions are drawn in to the implementation of these various laws,

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188 Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined fifth and sixth periodic reports of States parties Viet Nam, 22 June 2005 (CEDAW/C/VNM/5-6)
192 Ibid.
there is now a need to create a centralized agency or ministry that would be responsible for monitoring, evaluating, and implementing gender-targeted legislation in the country.\footnote{Ramona Vijeyarasa, “Scrutinizing Vietnam’s Progress Towards Gender Equality,” Development, vol 53, Issue 1 (2010), p. 95.}

Figure 4.3: Gender-Targeted Legislation Passed in Viet Nam 2002-2013\footnote{Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined fifth and sixth periodic reports of States parties Viet Nam, 22 June 2005 (CEDAW/C/VNM/5-6).}

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<td>Decree 19/2003/ND-CP on the responsibilities of State administrative agencies at all levels to ensure the participating in State management activities by the Women’s Union at all levels.</td>
<td>Law on Human Trafficking</td>
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<tr>
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<td>Resolution No. 11-NQ/TW of the Politburo on Women 2007</td>
<td>Law on Legislation Dissemination and Education that would address gender issues.</td>
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<td>Law on Organization of People’s Courts 2002</td>
<td>Law on Trade Union</td>
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<td>Labour Code revised in 2002</td>
<td>Law on Tertiary Education</td>
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<td>Land Law revised in 2003</td>
<td>National Strategy on Gender Equality 2010</td>
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16. Law on Gender Equality (2006)
In 2003, the National Assembly of Viet Nam passed a resolution to formulate a gender equality law in response to international pressure to meet its obligations under the CEDAW and a national strategy to reduce poverty.\(^{195}\) In April 2004, the National Assembly created an 11-member drafting committee, which was headed by the President of the Viet Nam Women’s Union (VWU) and included the Vice-President of the VWU, four Vice Ministers;\(^ {196}\) the Deputy Chief Justice of the People’s Supreme Court; the Permanent Secretary of the NCFAW; and


\(^{196}\) The four ministries included the Ministry of Agriculture and Rural Development; Ministry of Education and Training; Ministry of Justice; and Ministry Labor, Invalids, and Social Affairs.
representatives from the Office of the National Assembly, Office of the Government, and the Fatherland Front. Once the drafting committee was appointed, the government of Viet Nam requested advisory technical assistance from the Asian Development Bank (ADB) to support both the drafting process and the amendment of existing legislation. The ADB approved $370,000 for the project in August 2004 and the VWU was selected to be the executing agency. The project was implemented over a 22-month period from March 2005 until June 2007.

The VWU led the drafting process, while international and national ADB consultants provided support and comments on selected versions of the draft law throughout early 2006. The VWU included ADB consultants in the drafting process by funding parallel translations and inviting consultants to workshops and discussion on the draft law. In the National Assembly discussions on the draft law, parliamentarians deliberated primarily on the retirement age and pensions for women and quotas for women in the National Assembly and sub-national level elected bodies. These provisions were eventually deleted from the final version of the law, which will be further discussed later in this section.

The Law on Gender Equality was passed in November 2006 by the National of Assembly of Viet Nam and implemented through a directive issued by the Prime Minister in May 2007. The law is the most comprehensive legislation to target gender equality in Viet Nam and includes: a definition of gender equality and discrimination; measures to promote gender equality; measures for inspection, monitoring and management of violations; a requirement to incorporate the law into the drafting of legal and normative documents; and the responsibilities of the government, state and other agencies, and citizens for ensuring gender equality.


During the drafting process, two important gender-targeted provisions within the legislation were defeated. One was a quota for women’s representation in the National Assembly, sub-national People’s Councils, and key leadership posts in state organizations; and the other was an equalization of the mandatory retirement age to 60 years-old for all workers. In a draft of

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198 Ibid.


200 Ibid.


the gender equality law, two options for a mechanism to ensure women’s representation in politics were presented. One proposed a 30 percent quota and one proposed to keep the proportion of women flexible. The quota proposal was removed from the final version of the law due to concerns voiced by some National Assembly members that such a requirement would undermine the quality of the cadre given that many women were perceived as less experienced and capable in comparison with their male counterparts. According to an interview with a former parliamentarian, some National Assembly members (mostly men, but also some women), believed that a quota would not be appropriate since the National Assembly is an elected body as opposed to an executive body with appointed members.

The final version of the law states that “measures to promote gender equality in the field of politics include: a) To ensure the appropriate proportion of the National Assembly female members and people’s committee female members in accordance with the national gender equality goals; b) To ensure the appropriate proportion of women in appointing officials to hold titles in the professions in state agencies in accordance with the national gender equality goals.” Thus, while targets exist in Viet Nam strategy documents for the capacity-building and representation of women in politics, legislative measures for accountability to support the implementation of such targets are lacking.

The difference in mandatory retirement age for women (55 years old) and men (60 years old) has been the basis of a longstanding debate in Viet Nam. It was established in the 1960s to account for the domestic responsibilities of older women, but it is only mandatory for most employees in the public-sector and optional for the employees in the private sector. Madam Ton Nu Thi Ninh, the Former Vice-Chair of the Foreign Affairs Committee in the XI National Assembly (2002-2007), shared her thoughts on the differential retirement age in an interview, noting, “This has been a touchstone that revealed to me the continuing latent conservatism of Viet Nam society when it comes to accepting and encouraging women to leadership positions.” In a discussion paper on the issue, the United Nations states that the differential retirement age “infringes upon women’s equal right to work, to the same employment opportunities, to training, to promotion and to job security – and therefore violates the

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205 Interview with Madam Ton Nu Thi Ninh, Former Vice-Chair of the Foreign Affairs Committee in the XI National Assembly, Viet Nam, New York and Ha Noi (Skype), 18-19 April 2013.
206 Socialist Republic of Viet Nam, Law No.73/2006/QH11 of 29 November 2006, chapter II.
207 Jean Munro, Women’s Representation in Leadership in Viet Nam, United Nations Development Programme (Ha Noi 2012) p. 17.
208 Ibid., p. 6-7.
209 Interview with Madam Ton Nu Thi Ninh, Former Vice-Chair of the Foreign Affairs Committee in the XI National Assembly, Viet Nam, New York and Ha Noi (Skype), 18-19 April 2013.
standard of substantive equality set out in CEDAW.”\textsuperscript{210} During the deliberations on the draft gender equality law, parliamentarians decided to address the retirement age issue through the Labor Code, the Law on Social Insurance, and the Ordinance on Civil Employees.\textsuperscript{211}


Box 4.1: Excerpts from an Interview with Madam Ton Nu Thi Ninh, Former Vice-Chair, Foreign Affairs Committee, Viet Nam XI National Assembly (2002-2007)

On quotas

When I was in the National Assembly, there were several seminars that were held to debate on how to keep up, and perhaps even push up, the ratio of female members to male. Of course, the quota issue was raised. Some people said that we must shoot for a 30 percent quota. In the discussion, there were people, mostly male, but also some female, who said that that is a tricky issue because this is the National Assembly, not an executive body where you can just appoint. You have to get those women elected. Both from the experiences of how I was elected and how I observed other women who were elected, or not elected, I have come to the conclusion that if you strive for 30 percent, the nominee quota should be at least 40 percent. You cannot set a quota of 30 percent for nominees and hope to have 30 percent voted in.

On the National Assembly elections and women candidates

Even more important than the number is the quality of the nominees. Too often, the local executive, especially the men, tend to choose women are weak candidates so the probability is that they will fail. If a provincial governor is put in the same voting district as a primary school teacher who is a woman, who is not a high profile in the province or in the district, the probability is that many people will vote for the governor. The important thing is to go out and look for strong women, women who are known. If you really care for bringing up the ratio of female candidates, you need to fight within the electoral committee to avoid this kind of mismatch. You should not place a weak female candidate against a strong male candidate.

On women in the CPV and the Viet Nam Women’s Union

If you have few women at the very top of the Communist party structure, it is a low likelihood that women related issues will get the attention of the Politburo or the Secretariat. Now we do have one member in the Politburo and two members in the Secretariat, but these have to be strong women. They must interested and committed to moving the gender agenda. I believe that the Women's Union must show more teeth. It is not using the structure and mechanisms and the voice it has been given to make effective impact. It is not using the impact it could have on the political process.
18. Conclusions and Lessons Learned

Viet Nam’s post reform successes towards advancing the rights of women and the gender equity agenda bear out two important observations contained in the literature reviewed. One, despite the prevalence of traditional Confucian norms, the communist underpinnings of the Viet Nam political structure does orientate it towards a more gender equal worldview. Yet, violence and suppression continue to stymie the lives of women.

Women have made rapid strides in the workforce and the country’s maternal and child healthcare indices as well women’s educational attainment indices suggest a substantial improvement in the living conditions of women. However, the observed negative trend in the proportion of women in the National Assembly and the low level of representation of women in the CPV are matters for concern and action. Membership and leadership within the CPV is where it is critical for women’s representation to increase in order to generate a stable and positive trend in other levels of government.

Over the last two decades, Viet Nam has experienced significant legal reform and institutional capacity building. Supported in part by foreign funding, these reforms and developments have expanded in recent years to include a focus on gender-targeted legislation. As shown through the case of ADB’s involvement in drafting the Gender Equality Law, international assistance has often played an important role in the legislative drafting process. International actors continue to influence the gender equality agenda of Viet Nam, as seen through the 2010-2015 partnership between UN Women and the Committee on Social Affairs in the National Assembly to evaluate the gender dimensions in draft legislation.

From the literature surveyed and the interviews conducted in this report, question remain on how issues become bills and how parliamentarians are involved in the various stages of this process. This is an area that could be further researched by future studies. There are various mechanisms by which issues can be raised – the CPV’s Politburo, VWU, MOLISA, and the National Assembly parliamentarians themselves if they feel a particular issue is of great significance. A recent legislation targeting corruption was raised as an issue in such a manner. With greater reforms in Viet Nam’s economy and increased openness, the kinds of issues the government and the public (through the media) amplify and debate will change. Viet Nam’s sensitivity to its international perception suggests yet another avenue for transmitting gender-targeted issues to the legislative agenda.

However, as discussed earlier, research conducted over the last decade still indicates that most laws continue to be drafted largely within closed circles in the CPV and the National Assembly Committees. In these Committees, the majority of the debate on draft legislation takes place

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between the Chairs and the Deputy Chairpersons. Part-time committee members do not have much voice in the drafting process or the amendment of draft laws. Moreover, women only make up 17.5 percent of full-time committee members in the current National Assembly. While there has been a small increase in the number of women committee Deputy Chairs, the overall number of women Chairs in the National Assembly Committees has decreased, which undermines the ability of women parliamentarians to shape the legislative debate.

Despite the existence of organizations such as the VWU and NCFAW that work to advance the status of women, a unified entity responsible for pushing forward or implementing gender-targeted legislation is absent. Based on the interview with Madam Ninh, one can also conclude that the VWU is sufficiently well placed to propel the gender equality agenda, but holds itself back. To quote Madam Ninh, the VWU “must show more teeth.” Still a central ministry for women’s affairs could help coordinate the raft of legislation passed in recent years and act as an anchor agenda for gender-targeted legislation.

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214 Jean Munro, Women’s Representation in Leadership in Viet Nam, United Nations Development Programme (Ha Noi 2012), p. 7.

215 Interview with Madam Ton Nu Thi Ninh, Former Vice-Chair of the Foreign Affairs Committee in the XI National Assembly, Viet Nam, New York and Ha Noi (Skype), 18-19 April 2013.

216 Ibid.
Chapter 5: Conclusion and Best Practices

Although women constitute more than half of the world’s population, they are underrepresented in parliament in both developed and developing countries.\(^{217}\) For a parliament, and society as a whole, to be democratic, women and men must have an equal opportunity to influence the legislative agenda.\(^{218}\) If men alone are responsible for decision making, only part of the population’s experiences and potential will be reflected.\(^{219}\) Thus, to achieve a just and democratic society in which policies reflect the diverse experiences of all groups, more women need to be included and their full political participation ensured.\(^{220}\)

Through three country cases, this study has attempted to answer whether women parliamentarians have been able to shift the debate and increase the parliamentary response to issues of gender equality. By examining the national parliaments of Mexico, Uganda and Viet Nam broadly between 2001 and 2013, the study describes:

- Trends in women’s election to national parliaments
- Ensuing trends in gender-targeted legislation
- Factors that have facilitated or obstructed the passage of key gender-targeted bills

The study shows that Mexico, Uganda and Viet Nam are among the leaders in their respective regions in terms of the proportion of women in parliament. Both Mexico and Uganda have recently crossed the 30 percent threshold in the number of women parliamentarians in the National Assembly, while in Viet Nam the proportion of women in the National Assembly has been falling. The National Assemblies of all three countries have introduced and passed an increasing number of gender-targeted bills during the period under study.

In the case of Mexico, an increase in gender-targeted legislation occurred between 1997 and 2009 as a result of the initiative and leadership of women parliamentarians. This case shows that women are more likely to propose gender-targeted bills than men when they enter politics. Similarly, in Uganda, the Eighth Parliament passed more gender-targeted bills than the Seventh Parliament as a result of stronger advocacy efforts by the women’s caucus and

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movement. These bills include the Prevention of Trafficking in Persons bill, the Equal Opportunities bill, and the Domestic Violence bill.

In contrast to Mexico and Uganda, Viet Nam’s National Assembly has passed a plethora of gender-targeted bills despite a decrease in the number of women parliamentarians. The number of laws passed from 2000-2013 is impressive and covers many issues on women’s status in society, including land ownership, domestic violence, gender mainstreaming, and laws and amendments to enhance women’s access to public office. Viet Nam’s increasing connectivity to the global political economy has made it more accepting of international norms especially with regard to gender equality. Such norms complement the equity-oriented philosophy that underpins Viet Nam’s communist political structure. However, further research needs to be conducted to understand additional factors that may have contributed to the conflicting trends observed in Viet Nam.

This study also identifies some facilitating factors and obstacles that affected the passage of key gender-targeted bills in each country. All three case studies reveal that the party plays an important role in shaping the legislative agenda and determines the passage of gender-targeted bills. For example, in Uganda, the NRM party took advantage of its dominance in the Executive and the National Assembly to obstruct the passage of the DRB. In Mexico, because women were not represented in the party leadership on the Labor Committee, they were excluded from discussions on the paternity-leave Labor Law. The Mexico case study, in particular, shows that it is necessary to have more women in leadership positions in political parties and government committees in order to influence the legislative agenda.

There is also a need for greater effort among women parliamentarians to work together to support gender-targeted legislation. This was particularly apparent in Mexico when high-ranking women parliamentarians across party lines sought reforms to the quota regime in defiance of their parties’ rules. Thus, increasing the presence of women in positions of power in parties, and creating mechanisms through which they can collaborate, is needed to facilitate the passage of gender-targeted legislation in Mexico. Similarly, stronger collaboration among women parliamentarians, irrespective of religious views, is necessary to ensure the success of future gender-targeted legislation in Uganda.

The case studies also suggest that although women parliamentarians are not a homogenous group, on average they tend to introduce more gender-targeted bills than men. In Uganda, for example, the women’s caucus and women’s organizations spearheaded advocacy efforts for the DRB and DVA, which were met with resistance from some men parliamentarians. In the case of Mexico, the study suggests that men tend to introduce legislation that reinforced
traditional gender roles. This reality caused parliamentarians and researchers from multilateral organizations to suggest the need to enhance representation of women parliamentarians who have an appetite and vision for pushing forward the gender equality agenda in Mexico.

In all three cases, civil society and government institutions were crucial in facilitating the passage of gender-targeted legislation. The Ugandan women’s caucus and women’s organizations spearheaded the DVB and DVA coalitions, which were important for garnering support for the bills. The Viet Nam’s mass women mobilization wing of the CPV has proved to be an important institution for promoting women in politics and gender-targeted legislation. In Mexico and Viet Nam, the media is viewed as a resource for galvanizing public support and pressure for the gender-equality agenda. In Mexico, for example, the media brought greater attention to men parliamentarians who were implicated in the Juanitas scandal. Also, women parliamentarians utilized the judiciary to implement strong quota reforms.

In Viet Nam, international institutions have also helped to promote gender-targeted legislation. For example, UN Women and the Asian Development Bank have been involved in drafting legislation and providing capacity-building workshops to empower women in the VWU. Under international pressure, Viet Nam also passed a gender-equality law to domesticate the provisions of CEDAW. In addition to Viet Nam, Mexico and Uganda have ratified CEDAW and have taken steps to ensure that national laws are aligned with the Convention.

Lastly, as women do not make up the majority of parliamentarians in the National Assemblies of Mexico, Uganda and Viet Nam, the passage of gender-targeted bills is contingent on support from men parliamentarians. In Uganda, it was precisely because women parliamentarians employed strategies to garner support from men that the DVA passed. Similarly, it would be a mistake to rule out the role of men in helping to pass the series of gender-targeted bills in Viet Nam given the decreasing number of women in the National Assembly. Strategies that aim to build stronger alliances between men and women parliamentarians are therefore critical for the passage of gender targeted bills.

Based on the lessons drawn from the three case studies, we identify the following best practices for enabling the passage of gender-targeted bills:

- Women’s representation in strategically important government committees and in the party leadership is an important factor to influence the passage of gender-targeted legislation.
- International institutions play an important role in providing technical support in drafting gender-targeted legislation.
• There needs to be consensus-building between women and men parliamentarians in support of gender-targeted legislation.
• Greater collaboration between women parliamentarians and the women’s movement is necessary to push for gender-targeted legislation.
• Strategies to unify women parliamentarians around the same issue are necessary to enable the passage of gender-targeted bills as women have different concerns and interests.
• Civil-society-based women’s movement and a strong caucus continue to be important for building public support for gender-targeted bills and coordinating advocacy efforts.