

**Fourth session of the UN Forum on Minority Issues on the topic of “Guaranteeing the rights of minority women”
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Presentation on “Minority women and effective participation”

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At the outset allow me, on behalf of the Working Group on Discrimination against Women, to thank the Independent Expert on minority issues, the Chair of the Forum on Minority Issues and OHCHR for this kind invitation to address the Forum on Minority issues. This year’s focus is of particular interest to the Working Group as it addresses multiple forms of discrimination, that is to say the complex layers and interplay of various forms of discrimination that women face because they are women and members of a minority.

Let me take this opportunity to shortly say a few words about the Working Group on Discrimination against Women, which was established by the Human Rights Council through resolution 15/23 in October 2010. Members of the Working Group, including myself, took up their functions on 1st May of this year. The Working Group has so far met twice and has adopted its methodological and analytical approaches to its future work. Among the various tasks mandated by the resolution establishing it, the Working Group is to prepare a compendium of best practices related to the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact. It was also tasked to undertake a study on the ways and means of cooperation between the Working Group and States to eliminate discrimination against women in law and in practice and make recommendations on the improvement of legislation and implementation of law to promote gender equality and the empowerment of women. The Working Group intends to carry out these tasks in dialogue and in cooperation with States, human rights mechanisms, inter-governmental bodies, relevant UN entities, regional and national human rights institutions, experts and civil society. The Working Group intends to build on existing standards and initiatives developed by other stakeholders and I was impressed at the wealth of concrete recommendations that have already emanated from the past three years’ sessions of the Forum on minority issues and upon which the Working Group will be able to refer to for its own work. In that respect, let me mention to you that the Working Group will focus its work for the biennium 2012-2013 on two thematic areas.

In 2012, the Working Group intends to address, as thematic priority, the issue of discrimination against women in law and in practice in public and political life. Within this thematic area, the Working Group intends to pay particular attention to the efforts undertaken to eliminate discrimination against women in law and in practice in times of political transition as situations of political transitions provide a unique opportunity to address women’s participation in the political system and women’s human rights in the legal and social systems as well as through transitional justice mechanisms. In 2013, the Working Group intends to address the issue of discrimination against women in law and practice in economic and social life paying particular attention to those efforts undertaken in times of economic crisis. Needless to say that the

intersection of various grounds of discrimination will be a cross-cutting perspective in all the work carried out and particular attention will be given to specific groups of women, including women belonging to minorities.

Let me now turn to the item on which I have been invited to speak, “minority women and effective political participation” where my focus is going to be on conditions necessary to guarantee the effective political participation of minority women, obstacles, concrete steps and existing measures aimed at increasing their political participation.

I would first like to emphasize that the political empowerment of women in general, but of women belonging to national or ethnic, religious and linguistic minorities in particular, is crucial to arrive at inclusive societies and genuine sustainable democracies. It is a fact that women constitute slightly more than half of the world population and their contribution to the social and economic development of societies is also more than half as compared to that of men by virtue of their dual roles in the productive and reproductive spheres. Yet their participation in formal political structures and processes, where decisions regarding the use of societal resources generated by both men and women are made, remains rather insignificant. According to the Inter-Parliamentary Union latest figures available, the global average of women in national parliaments in 2011 is slightly more than 19%. It was 15% in 2005, hence an increase of only 4% over 6 years. Those figures are still far away from the commitment of the international community to gender equality and to bridging the gender gap in the formal political arena, reinforced by the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform of Action. CEDAW’s Article 7 sets out women's right to vote, to stand for election, to be involved in formulating public policy and to actively participate in non-government organisations (NGOs) and other bodies concerned with the public and political life of the country on an equal footing with men. The Beijing Platform of Action, adopted in 1995, recognizes that without the active participation of women and the incorporation of women's perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved. More recently, the CEDAW Committee, through its General Recommendation No. 28 on the core obligations of States under article 2, called upon States to legally recognize intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them.

When it comes to political representation of minority women, data have shown that minority women are underrepresented to a greater degree than both their male minority and majority female counterparts. The marginalization/discrimination that minority women suffer because they are members of a minority group is often exacerbated by the sex-based discrimination they face within the dominant group and the minority group they belong to. The difficulty resides in embracing minority women issues from both perspectives at the same time in order to have an inclusive approach which integrates gender equality and women’s rights as well as minority rights.

In order to do so, one needs to have a clear understanding first of the different types of discrimination that both groups face separately and secondly, how those different discrimination practices interplay and impact on the enjoyment of and the possibility of claiming their rights.

While gender equality and women's rights are already issues not easy to raise for women belonging to majority groups, one can imagine the difficulties that confront minority women when claiming their rights. Indeed, minority women have to face and overcome discrimination from the majority community, both as women and minority, but also from within their own communities.

Specific obstacles that hinder women's political participation are well known: they are the ideological factors that emanate from the patriarchal system dominating still most countries in the world and that have placed men in the public sphere and women in the private arena of home, as mothers and wives. Although the gender role ideology is not static and the boundaries between public and private arena have become blurred, women continue to be excluded from politics based on ideological prejudices and customary law. Another factor of exclusion is the nature and the structure of politics itself, considered a male-dominated sphere alien to women's concerns. Socio-cultural factors are detrimental to women's political participation in general, and for minority women in particular as gender disparities are likely to be increased for minority women in all fields of women's life, including politics. Also women have limited time to participate in politics because of their stereotyped role as mothers and wives. Economic factors are further obstacles, women lacking access to and ownership of resources. An additional and severe constraint for women belonging to minorities is that they are often not the head of their communities and are absent from their constituency base. Additionally women, and especially minority women, continue to be portrayed in a negative, inferior and stereotypical manner in the media and society.

The Committee on the Elimination of Discrimination against Women has addressed participation of women in political and public life in its General Recommendation No. 23 adopted in 1997. According to the Committee, public and private spheres of human activity have always been wrongly considered distinct and apart, and have been regulated accordingly. Consistently, women have been assigned to the private or domestic sphere, associated with reproduction and the raising of children, and in all societies these activities have been treated as inferior to public and political life. An examination of the reports of States parties to CEDAW shows that while almost all States have adopted constitutional or other legal provisions that grant to both women and men the equal right to vote in all elections and public referenda, in many nations women continue to experience difficulties in exercising this right. Concluding observations of the Committee demonstrate that women are excluded from top-ranking positions in cabinets, the civil service and in public administration, in the judiciary and in justice systems. Such examination also demonstrates that women are underrepresented in political parties or concentrated in less influential roles than men. On the international area, women are seriously underrepresented in the diplomatic and foreign services of most Governments, and particularly at the highest ranks.

In terms of strategies for empowering minority women's political participation and combatting blatant discrimination in this field, the use of temporary special measures is provided for and recommended by international human rights law, supported by empirical research produced by the scholars with international experiences. For example, the CEDAW Committee regularly

requests States parties to take measures, with benchmarks and concrete timetables, to increase the number of women in political and public life, at all levels and in all areas life. It also recommends that States parties introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's General Recommendation No. 25 (2004), to strengthen their efforts to promote women to positions of leadership. Measures taken under article 4, paragraph 1, by States parties should aim to accelerate the equal participation of women in all fields, including politics.

The Committee views the application of these measures not as an exception to the norm of non-discrimination, but rather as a necessary strategy by States parties, directed towards the achievement of *de facto* equality of women with men in the enjoyment of their human rights and fundamental freedoms. CEDAW makes clear that these temporary special measures do not discriminate against men and are not a form of discrimination if they are being implemented as a means to speed up the achievement of gender equality. Temporary special measures can include a wide range of legislative, executive, administrative and other regulatory instruments, policies and practices, such as outreach or support programmes; allocation and/or reallocation of resources, preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with timeframes; and quota systems. The emphasis is on the temporary nature of the measures - their duration is determined by their result in response to a concrete problem, and must be discontinued when the desired result has been achieved and sustained for a period of time. In its concluding observations, the CEDAW Committee often calls States to take effective measures, including temporary special measures, to eliminate discrimination against minority women.

Gender quotas have emerged as a tool that can be effective to redress women's exclusion from political participation and to ensure their presence in formal structure of politics. Many countries have introduced a quota system to rectify persisting inequalities suffered by various groups, such as women, or racial, ethnic and religious minorities. For minority women, and although they could benefit from either gender or minority quotas, it remains unclear to which extent they actually benefit from either of them. Research indicates however that minority women are likely to benefit more from quotas when national-level gender and minority quotas are simultaneously in place at the same level and interact with one another, the so called "tandem quotas".

However, gender quotas are only one part of a strategy to empower women to participate in political life. They need to be accompanied by other measures to ensure that barriers to equality are overcome, including those resulting from illiteracy, language, poverty and impediments to women's freedom of movement. Measures need also to be put in place in assisting women to exercise their political rights. To that end, the Committee routinely urges States to increase the availability of training and capacity-building programs for women wishing to enter or already in public office and to launch awareness-raising campaigns on the importance of women's participation in political and public life. For example, the Committee recommended to Canada "to ensure that aboriginal, ethnic and minority women are empowered, through encouragement, mentoring opportunities and funding, to participate in the necessary governance and legislative processes that address issues impeding their legal and substantive equality". But beyond that, women who lack social and economic resources are unable to exercise their political rights fully.

Hence the gender quotas, while having proved successful, need to be linked to measures addressing women's disadvantage in the enjoyment of social and economic rights.

While reviewing the work of the Special Procedures, the Treaty Bodies and the outcome of the Universal Periodic Review, very few examples can be found that captures the multidimensional discrimination experienced by minority women due to gender relations and their status as members of specific groups. The Committee on Racial Discrimination, when reviewing the situation under the Convention on the Elimination of Racial Discrimination in Croatia in 2009, welcomed the measures taken by that State to ensure fair and adequate representation of minorities in central, regional, and local administration, police force, and the judiciary and noted the results achieved so far, such as the election of a member of the Roma minority to the national parliament. However, in its recommendation, it invited the State party to take measures with a view to encouraging minority women to become more active in public life.

When considering States parties under the CEDAW convention, the CEDAW Committee routinely notes the lack of information and statistical data provided in States reports about the situation of minority women in general and on the participation of minority women in political and public life in particular. It highlights that such lack constitutes a main obstacle at designing particular policies and programmes. It very often notes that minority women are underrepresented at most levels of public and political life and that the State party has not adopted any proactive measures, including policy framework for minority group, to promote the rights of minority women. It often notes the vulnerable and marginalized situation of ethnic minority women, in particular with regard to access to education, health, employment and participation in political and public life. In terms of recommendations, and beside the adoption of temporary special measures, the recommendations of the Committee include: the adoption of effective measures, including the establishment of a policy framework to eliminate discrimination against minority women and promote their rights, the undertaking of studies on the participation of minority women in society; the dissemination of the CEDAW convention among minority communities and its translation into ethnic minority languages with their own alphabets; the use of radio programmes in languages of ethnic minorities, among other forms of media to disseminate information on CEDAW and on gender equality in general. Media should be encouraged to project non-stereotypical and positive images of women, including minority women, and promote the value of gender equality for society as a whole, including through further measures to sensitize members of the press, television and other media on gender equality issues. In relation to the Universal Periodic Review process, few countries have addressed recommendations in relation to the problems faced by women belonging to minorities.

While listening to the speakers this morning, I have already learnt a great deal through the sharing of successful experiences. I am looking forward to learning more throughout the remaining sessions on what is needed to promote minority women's participation in politics as it seems clear that there is a need to further research, document and disseminate successful experiences. I and the Working Group I represent are looking forward to continue cooperation with the Forum to share experiences on the elimination of discrimination against minority women so as to have more fair, inclusive and diverse societies.