

QUESTIONNAIRE

ADVANCES AND CHALLENGES IN THE AREA OF WOMEN'S POLITICAL PARTICIPATION

INTRODUCTION

Objectives:

This questionnaire was prepared as part of the work plan of the Rapporteurship on Women's Rights (Rapporteurship on Women" or "Rapporteurship") of the Inter-American Commission on Human Rights ("IACHR" or "Commission") for the purpose of compiling information on the major advances made by women and the principal challenges they face in the exercise of their right to participate in the conduct of public affairs and political life in their countries, in the broader context of discrimination against women and from a human rights perspective. The information thus compiled will be examined and included in a specialized report containing specific recommendations for the member states of the Organization of American States, with a view to improving and strengthening the legislation and public policies and programs designed to promote that women fully exercise their right to political participation.

The binding principles of equality and nondiscrimination are the backbone of the inter-American human rights system and of its binding instruments, such as the American Convention on Human Rights and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women ("Convention of Belém do Pará"). Therefore, the States have committed themselves to guarantee the exercise of women's rights in equal conditions and free from all forms of discrimination.

Similarly, the IACHR and its Rapporteurship have stated that discrimination against women restricts their right to participate in the conduct of public affairs and the political life of their countries.¹ In this connection, the IACHR and its Rapporteurship have noted that progress has been made in women's participation in decision-making positions in the countries of the region. Although considerable strides have been made, the process is still slow and inconsistent and consequently women's participation in these spheres continues to be limited. Accordingly, the IACHR has urged the OAS member states to create mechanisms to facilitate women's participation in public life in their countries, especially in electoral systems, government positions, and justice systems.²

Based on these conclusions and findings, the IACHR has observed that despite the significant efforts of many states to guarantee the adequate representation of women in their state structures, barriers still exist that prevent women from fully exercising their right to participate in the conduct of public affairs and political life in

¹ IACHR, Annual Report, 1999, Chapter V; IACHR, Report on the Status of Women in the Americas, 1998.

² IACHR, Report *Access to Justice for Women Victims of Violence in the Americas, 2007*, pars. 256-257 and recommendations.

their countries, in particular obstacles to access decision-making positions, restrictions on effective performance and professional advancement in civil service posts, the prevalence of discriminatory sociocultural patterns at all levels of government, and problems related to the design and implementation of special affirmative-action measures.

Replies to this questionnaire should be transmitted to the following address by April 11, 2009:

Inter-American Commission on Human Rights
Organization of American States
1889 F Street, N.W.
Washington, DC 20006
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Information requested:

This questionnaire seeks to obtain quantitative and qualitative information on the problem of discrimination against women, especially on their right to participate in the conduct of public affairs and political life in their countries. You are therefore encouraged to submit reports and assessments on the subject, graphs, statistics and budget information, among others. You are also encouraged to provide information that includes data on the situation at the national and local levels in urban and rural areas. From federal countries, we request information from all states and provinces. We invite you to submit information on the specific situation of women belonging to groups particularly vulnerable to violence and discrimination as women of African descent, indigenous peoples, children and seniors, among others.

This questionnaire defines **discrimination against women** as any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. (Convention on the Elimination of All Forms of Discrimination against Women, Article 1.)

The right to **political participation** is defined as the right of women, on an equal footing with men, to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot; to participate in the formulation of government policy and the implementation thereof; and to perform all public functions in their countries. (American Convention on Human Rights, Article 23, American Declaration on the Rights and Duties of Man, Article XX and Convention on the Elimination of All Forms of Discrimination against Women, Article 7).

The questionnaire is divided into two sections:

1. The first is intended to compile information in the general framework of legislation, national plans, and policies and programs designed to encourage the elimination of all different forms of discrimination against women; and
2. The second is intended to gather information on the problem of discrimination against women in the exercise of their right to take part in the conduct of public affairs and political life in their countries.

QUESTIONNAIRE

I. LEGAL AND POLITICAL FRAMEWORK TO PROTECT WOMEN AGAINST DISCRIMINATION AND GUARANTEE THEIR RIGHT TO EQUALITY

1. Provide detailed information on the legal framework in force at the national and/or local level to prevent and punish discrimination against women:
 - a. In countries with federal systems, do similar norms exist in all states or provinces?
 - b. What types of monitoring mechanisms have been established to gauge progress in the implementation of these laws?
 - c. What types of discrimination are recognized in these laws?
2. Which national and/or local plans, policies, programs, or best practices has the government been implementing to prevent, punish, and/or eradicate discrimination against women in the last five years? Specify the resources allotted to these programs.
3. Identify and provide a detailed account of the major achievements and challenges in implementing the laws and public policies to prevent, punish, and/or eradicate discrimination against women.
4. Explain in detail the types of special protection the legal framework offers to combat discrimination against women belonging to ethnic minorities, such as indigenous peoples and afro-descendent communities?
5. Which specific government organ or organs are responsible for monitoring national and/or local policies and programs to promote the rights of women to live free from discrimination? What are their titles, operating procedures, composition, and budgets? What are their powers and obligations?
6. What type of cooperation exists between the justice, health, and education sectors, among others, to promote women's rights and to address the various forms of discrimination against women?
7. How many reports of discrimination-related violations of women's human rights have been received in the last five years?
 - a. How many of these cases are in the preliminary investigation phase?
 - b. Which legal avenues are available to victims to report and obtain a remedy for acts of discrimination?
 - c. How does the state facilitate access to justice for women at risk of acts of discrimination and violence, for example, girls and women belonging to marginalized ethnic or racial groups, women in disadvantaged socioeconomic situations, or rural women, among others?

II. DISCRIMINATION AGAINST WOMEN AND THEIR RIGHT TO PARTICIPATE IN THE CONDUCT OF PUBLIC AFFAIRS AND POLITICAL LIFE IN THEIR COUNTRIES

1. What is the minimum voting age for women and for men?
 - a. Which are the requirements for voting in national and local elections?
 - b. Which are the main obstacles that impede women from exercising their right to vote?
 - c. What is the percentage of women and of men who voted in the last five presidential elections?
2. What types of progress have been made in the last five years in the adoption of legislative reform and specific policies (for example, affirmative action or temporary measures) to foster women's inclusion in government? What are the greatest achievements and challenges in implementing the reformed laws and the public policies?
3. Describe special affirmative action measures taken to promote women's entry into the political sphere. What is the budget for execution of these programs? If any quota laws are in force, describe how they are implemented and, in particular, explain:
 - a. How have they have functioned in practice? What were the greatest achievements and challenges in implementing quota law in the last two elections?
 - b. Which monitoring measures have been adopted to oversee compliance with the quota laws? Which types of sanctions are imposed for noncompliance with the quota laws?
 - c. Which types of quota law training programs for political and social groups have been implemented?
4. Which obstacles have been identified that still restrict women's opportunities to participate in and hold government posts at the national and/or local levels?
5. Do the political parties have any mechanism and/or incentive to foster and/or guarantee the political participation of women? If yes, what do these measures and/or incentives consist of?
6. Of the total number of candidates in the last two national and municipal elections, how many were women? Of the total number of persons elected, how many were women?
7. Describe in detail the specific laws, policies, and/or measures in force to promote the inclusion of indigenous women and women of African descent as candidates for elected office.

8. Indicate whether the State has a centralized system to gather statistical information on women's participation in political and public positions at a national and/or local level.
9. Identify the number of women and men that have occupied the following public positions en the last two election periods:
 - a. President of the Republic
 - b. Vice-President of the Republic
 - c. Ministers
 - d. Governors
 - e. Senators
 - f. Representatives
 - g. Aldermen
 - h. Councilors
10. How many women are in positions of leadership in Parliament in relation to men? How has said participation changed in the last five years?
11. Describe what the process is for the selection for and admission of women and men to the judicial branch (in the first, second and third judicial instance and in specialized tribunals). In your reply, give details on the requirements for women and for men and indicate:
 - a. Of the total number of candidates for judgeships, how many are women?
 - b. Of the total number of candidates selected, how many are women?
 - c. Of the total number of judges of the first, second, and third instance and specialized courts, how many are women?
 - d. What are the main obstacles to women achieving high positions in the judicial sector?
12. What types of mechanisms are in place to ensure that women are appointed to positions in regional and international organizations?
13. With regard to citizen participation, describe opportunities enabling the state and civil society organizations to communicate and cooperate with one another to foster women's participation in the political life of their countries.

BACKGROUND

The IACHR and its Rapporteurship on Women place special emphasis on the human rights of women and gender equity and equality. Since the Rapporteur's establishment in 1994, it has played a vital role in the Commission's work to protect women's rights through the publication of thematic studies, assistance in the development of new jurisprudence in this area within the individual case system, and support to the investigation of broad issues that affect women's rights in specific countries of the region, through on-site visits and country reports.

The work program of the Rapporteurship on Women now focuses on activities to address the problem of discrimination as one of the structural barriers women face in ensuring that their rights are effectively protected and guaranteed. Moreover, it is based on IACHR decisions on women's rights and on the recommendations in its report *Access to Justice for Women Victims of Violence in the Americas*, published on March 7, 2007, which noted that discrimination against women is a widespread problem in the Americas – one based on stereotypes regarding the inferiority and subordination of women that are rooted in the Hemisphere's culture. Among the Commission's major recommendations to the states in that report were adoption of legislative reforms, public policies, and programs aimed at reconfiguring stereotypes on the role of women in society, and promotion of the eradication of discriminatory sociocultural patterns that obstruct their full access to justice and effective protection of their human rights.

In the context of the Commission's recommendations in that report and its jurisprudence, the Rapporteurship on Women, for the period 2007-2009, has been carrying out activities to address the problems of discrimination and violence against women as the main barriers women face to the effective protection and guarantee of their rights. The activities focus on formulation of specialized recommendations to OAS member states on discrimination against women in the exercise of their civil, political, economic, and social rights; follow-up of the recommendations of its thematic report *Access to Justice* and the Commission's jurisprudence through working visits to those countries and the subsequent publication of reports; and ongoing support to the Commission in the prosecution of cases and precautionary measures.