



UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



Distr. : LIMITED

**E/ECA/ACW/WS. WIJS/2000/2
November 2000**

Original: English

ECONOMIC COMMISSION FOR AFRICA

Workshop on Access by Women
to legal and judicial services
in Sub-Saharan Africa

27-30 November, 2000
Lomé, Togo

**INFORMATION NEEDS OF PARLIAMENTARIANS FOR THE
PROMOTION OF HUMAN AND LEGAL RIGHTS OF WOMEN**

Presented at the Seminar on Women's Access
to Human and Legal Rights Services
Lomé, Togo
27-30 November 2000

Introduction

In the Preface of the publication entitled "*Women in Parliament: Beyond Numbers*" Frene Ginwala, President of the National Assembly in South Africa says that "the seed of democracy is planted on the principle of the legitimacy of the power to make decisions on people's lives, their society and their countries, which emanates from those who are affected by them." According to her, therefore, democracy stems from taking into consideration the interests of the people in decisions that affect their lives, their society and their country.

In this context, parliament ideally constitutes the mechanism that links the people with policy makers in government who make decisions that affect their lives. Parliamentarians therefore have a critically important role to play, and heavy responsibility towards the people. They should at all times reflect the thinking of the men and women who elect them even as they strive to promote their well being. Indeed the current status of women's human and legal rights, for example, is a partial reflection of the effectiveness of the work of parliamentarians and the level of their commitment to those who elect them.

Mission parliamentarians

Parliamentarians are representatives of the people by democratic selection. Their election signals the beginning of their mission and responsibility to shape and influence the socio-economic policies plans and programmes for the benefit of those they represent.

This mission requires that parliamentarians become the guardians of good governance, viewing governance from the holistic paradigm of social, political, and economic development. They must therefore watch over the manner in which power is exercised by the State in the management of economic and social resources for development. In the name of good governance, they must insist on a bureaucracy that is imbued with professional ethics, an executive arm that is accountable for its actions and a strong civil society that participates in public affairs.

To achieve the above, parliamentarians have a number of strategies that are at the disposal of the national assemblies. One such option is passing national laws to regulate or address any of the areas covered by the national constitution. Thus, while most constitutions define who the citizenry is and what civil liberties they have, appropriate national laws should be promulgated to ensure that these rights are not violated or compromised. The historic violation of women's rights is a case in point as exemplified by their disproportionate marginalization in all spheres of political, economic and social endeavors. For African states to reduce poverty and attain high levels of human development, this imbalance must be redressed. To address this issue as well as the issue of the human rights for all, there are those international, regional, and subregional legal and policy instruments that are formulated by various international bodies. Often they address issues and areas that the national constitution, laws and policies may be silent on, or where there is continued discrepancy between the provisions of the instruments and the reality of what has been implemented. The international instruments therefore serve as sensitization tools at first and eventually frameworks for specific actions at the national level.

In the area of human and legal rights of women, some of the international instruments that have been promulgated include the International Bill of Human Rights, the Convention on the Political Rights of Women, Convention on the Elimination of all Forms of Discrimination Against Women, Convention on Consent and to Marriage, Minimum Age for Marriage and Registration of Marriages, Convention on the Rights of the Child, Employment Policy Convention, Rural Workers

Organization Convention, Workers with Family Responsibilities Convention, African Charter on Human and People's Rights (1971, OAU), African Charter on the Rights and Welfare of the Child (1990, OAU) etc. Parliamentarians have the duty to review these international instruments and authorize national governments to sign and ratify them with or without reservations as the case may be. But once they have been signed and ratified, then it behooves the parliamentarians to monitor their implementation for the benefit of those that had been targeted by them. Unfortunately, the gap between the *de jure* and *de facto* human rights of women is staggering.

The ultimate objective of good governance in Africa today is to alleviate the existing crippling poverty and enhance human development. Parliamentarians must therefore be tuned to the local conditions where extreme poverty and inequality have often resulted into violent conflicts, human rights violation, and social exclusion. In these circumstances « attitudes towards the rule of law, equality before the law survive.... as a result of an alternative view of justice and rights whereby the « force of the law » is overwhelmed by the « the law of force ».

Parliamentarians therefore must not forget that they have the obligation to control the actions of governments in relation to the direction they are taking *vis-à-vis* the goals and plans of the nation. They have the constitutional power to set up commissions of enquiry to explore various government actions in question. They have the power to stop government dead on their tracks before situation deteriorate beyond a point of non return.

Under what principles and values do parliamentarians operate?

The work of parliamentarians is likely to be influenced by values and principles from four different sources :

- The Parliament under which they operate;
- The political parties that they represent;
- Their personal values and principles based on their socialization, culture and tradition and religion;
- The values and principles of the people they serve.

By virtue of having been elected into parliament, it is assumed that parliamentarians are automatically operating within an institution that upholds the principles and values of democracy. These include among others, meaningful competition of individuals and group for positions of power in government structures at regular intervals; inclusive level of political participation in the selection of leaders and policies; and civil and political liberties to ensure the integrity of political competition participation. But these principles that refer to the manner in whereby parliamentarians are chosen must, in a democratic state, be followed by principles of good governance that were referred to earlier. Good governance is key to alleviating socio-economic and political woes through democratic forms of relationships between the governed and the governors with mechanisms for public participation, accountability, and transparency.

Each parliamentarian is elected from a political party that ideally should have written a manifesto that explains its philosophy, principles and the programme of action on the basis of which it is created and/or elected. The values and principles of the party therefore influence the parliamentarians in action. Unfortunately, what becomes evident very quickly is the discrepancy between the party policies and the reality of the actions taken once the party is in power or even as it organizes itself into an institution. The ruling party in Kenya, the Kenya African National Union

(KANU) declared in its manifesto in 1992 that women would be given a higher share of the 12 nominated seats in parliament and local authorities. With regard to women's economic rights, KANU salutes « the tremendous contribution made by women to the development of our country » and declares that « women play a dominant role in food and cash crop production ». In appreciation of this, the party commits itself to « support various national women's organizations in their drive to improve the economic position of women especially in the critical area of providing access to finance managerial skills ».

When KANU was returned to power in 1992, in response to its commitment, to improve women's political participation, not one out of the 12 nominated parliamentarians was a woman. And this was the first government since independence that had failed to nominate a woman into parliament. On the commitment to provide targeted finance and managerial skills, agriculture received only 10% of the total national lending in the economy even though it accounts for 45% of the GDP directly and indirectly. Besides, the small-scale farming sector where the largest number of women fall, received only 2% of the lending that goes to agriculture, most of which was biased towards cash crops, a male domain manifesto declared its commitment to « the preservation of our rich and varied culture » and proposed to set up 2 institutions committed to cultural renaissance and revival. The manifesto is completely silent on the issue of removing cultural obstacles to women's progress, e.g. FGM practices, despite the fact that CEDAW that Kenya has ratified in its Articles 1 and II commits the government to removing such barriers.

Parliamentarians also bring into their work principles and values that they acquired through socialization, as well as through their cultural and religious backgrounds. These values may not always be in harmony with the concepts of equality of the sexes, freedom of expression, movement and self-determination etc, that are an integral part of the democratic values and principles. They may also not always be compatible with such concepts as transparency, accountability, and participation, that characterize good governance embraced by parliament and the political parties that aspire to make it to parliament.

The work of parliamentarians may be even more complicated when personal values and principles are in contradiction with those of the members of their constituencies. And yet, having been elected by them, they are supposed to put their interests first and work in their collective and personal well-being.

The challenge here lies in being conscious of the principles and values that influence the actions that one undertakes. This may not be always a straight forward exercise, for while there are those principles that are overt and explicit, because they are on paper in official documents and are articulated as a selling point for the party or parliament, there is the influence of those seemingly dormant values that are buried deep into the subconscious and require some soul searching to explain positions taken at times contrary to expectations or consequences. Other acts or positions taken by politicians are simply a reflection of what is considered politically correct or expedient.

Whatever principles and values the politicians are operating under, the basic principles of democracy demand transparency and accountability for elected officials. They demand that our parliamentarians defend credibly the outcome of their work. Their performance in such areas as political education of the people on mechanisms for redressing violations of human rights and other constitutional guarantees; advocacy among government decision-makers for appropriate policies on decentralization, efficient delivery of services to the poor, recognition of the important role of the informal sector, and commitment to poverty alleviation etc. must be subject to scrutiny and evaluation to determine whether they merit to continue to be representatives of the people.

Information needs for parliamentarians

It has been mentioned a number of times already that the number one preoccupation of the African people today is poverty alleviation. In electing political representatives, therefore, the people expect that their representatives will make a significant impact on the fight against poverty.

Other obligations and responsibilities of parliamentarians include ensuring that all the elements of the national constitution are upheld in the interest of the well being of all citizens. Ideally, therefore, parliamentarians are expected to know how members of their constituency are benefiting from the provisions of the constitution. In this connection, some of the areas in which they are expected to have updated information include :

- The socio-economic situation of their constituencies and the priorities of their electors;
- Government development policies at national, sectoral and local levels and what the current priorities are;
- The budget, inputs into the budget, policy of budget allocation;
- Socio-economic performance in different sectors and related constraints;
- International, regional, and subregional policy instruments relating to different sectors and the national standing in this regard.

As we observed earlier, political representatives are also expected to assess the degree to which government operations are transparent, inclusive, gender sensitive and sensitive to poverty reduction. They also have the responsibility of educating their electors in effective political participation and disseminating relevant information to this end.

In reality, however, most parliamentarians do not have the minimum basic information necessary to facilitate efficient implementation of their role. For example, although most have heard of the Fourth World Conference on Women of Beijing, or the Rio Conference on environmental protection and sustainable development, hardly any of them have actually put their hands on the Beijing or the Dakar Platforms for Action, Agenda 21, etc. How many have heard of the African Economic Community Treaty signed in Abuja in 1993 and its implications on the African socio-economic development? To what extent are our parliamentarians aware of the subregional economic communities and their implications on national trade? What about the basic facts about the epidemiology of HIV-AIDS and its far-reaching socio-economic impact on the entire continent?

A variety of constraints explain the low level of information among our political representatives. Regular demand for supply of accurate information is not yet a cultural trait of our society. We easily make do with general and/or incomplete information. But it is also true that the infrastructure for effective information is both inadequate and too expensive. The price of using the telephone to access information within the national boundaries is way out of reach for the average citizen who is living on less than a dollar a day. The concept of village libraries that was operationalized in some countries like Tanzania in the 70s and part of the 80s has become a project

of the past and with its disappearance, the literacy and information levels of the people have also plummeted. The Internet and the use of the computer will remain accessible to only the few privileged ones unless more creative ways of bringing these tools to the people are found.

Lack of information is often accompanied by low level of participation especially in decision-making arena, mostly due to the subsequent low level of confidence. Needless to say how disempowering the situation is to the parliamentarians whose *raison d'être* is to influence decisions by persuasion on the strength of their information and arguments. Besides, the implications of this « disempowerment » on the people who elected a representative to plead their case and fight for their well-being are tragic. They are tantamount to being disenfranchised in effect.

ECA's Information programme for parliamentarians 2001-2003

Deeply concerned by the gaps that lack of relevant information creates in the process of influencing the current state of poverty and decline in Africa, the ECA African Center for Women has decided to contribute towards filling the gaps among parliamentarians. To this end, ECA intends to: Collect and package basic information and documents for advocacy on behalf of women in government policies, plans and programmes.

Prepare information kits that summarize conventions and platforms on women's human rights.

Create an interparliamentary website that will facilitate information exchange, avail certain documents and provide information on the evolution of national laws in various countries.

Prepare documents for political advocacy and organize training seminars for parliamentarians on advocacy for women's human rights.

Preparations for this programme start in 2001 and continue over the next 3 years. It is going to be implemented in partnership with the International Institute for Democracy (IDEA), and the Institute *pour Démocratie (IDE)*. Partnership with the World Bank is also being solicited.

Conclusion

In conclusion, I would like to stress that the ECA programme to contribute towards filling information gaps for parliamentarians is based on our own assessment of the kinds of needs that might exist today based on discussions with various contacts in different for a. We are very conscious of the need to explore further and assess more concretely what the information needs of parliamentarians are. We therefore hope that as we break into groups, the group that will address this issue will enrich our knowledge base through viable concrete proposals for strategies to close the information gap for parliamentarians.