



GENDER EQUALITY AND FEDERALISM

OPPORTUNITIES AND CHALLENGES IN MULTILEVEL GOVERNANCE



Forum of Federations

The Global Network on Federalism and Devolved Governance

GENDER EQUALITY AND FEDERALISM

OPPORTUNITIES & CHALLENGES IN MULTILEVEL GOVERNANCE

Christine Forster

A Forum of Federations Report

This publication presents the findings of the Forum of Federations' *Gender Equality and Federalism* research project. Initiated in October 2018, and undertaken within the scope of the Forum's Gender Policy Program, the project investigated the effect that federal and decentralized models of governance have on gender equality dynamics. Through analyzing the existing evidence base, it aimed to extract and synthesise key learning to support the development of the knowledge base on gender equality and federal and decentralized governance. It was further designed to provide an empirical foundation upon which the Forum can draw in its governance development activities.

The Forum is pleased to share the results of the research and looks forward to continuing its work in this area moving forward.

The Forum thanks its partners for their ongoing support of the organization and its activities, without which projects like this would not be possible.

Brazil

Presidency of the Republic



Canada

Global Affairs Canada



Global Affairs
Canada

Affaires mondiales
Canada

Ethiopia

House of Federation



Germany

Federal Ministry of the Interior,
Building and Community



Federal Ministry
of the Interior, Building
and Community

Switzerland

Swiss Agency for Development and Cooperation



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development
and Cooperation SDC

ACKNOWLEDGEMENTS

The Forum of Federations thanks all those who supported the Gender Equality and Federalism research project and the production of this publication.

First and foremost, the Forum extends its sincere thanks Christine Forster for her expertise, commitment and diligence in her role as Project Lead.

Thanks to all Forum staff who provided input over the course of the project. Special thanks to Diana Chebenova and Liam Whittington for their contributions in the development and oversight of the initiative over its duration.

The Forum is especially grateful to Enid Slack, Joan Grace, and Tània Verge Mestre for their invaluable insights and feedback on early drafts of the manuscript.

Finally, the Forum also thanks Elphine Onsongo, Aranie Sriskantharajah, and Asma Zribi for their support in preparing the manuscript for publication.

Ottawa, September 2020

FOREWORD

Gender inequality is perhaps the single most significant impediment to achieving a more just, equitable, prosperous, and inclusive world. Inequality, a root cause of poverty, instability, and conflict, is damaging to people, societies, and the broader global community. Despite some small pockets of genuine progress, the world remains, on the whole, highly unequal to women. Not only are women and girls unable to access the same opportunities as men on an equal basis (and in some cases are actively prevented from doing so), they also suffer the most deleterious impacts of events such as economic recessions, political instability and conflict, and climate change. The ongoing suppression and repression of women's ability to participate with men as equals in society is not merely an issue of equity – it is one of justice and democracy. While women's rights, interests, and opportunities remain subordinate, their fundamental human rights will continue to be breached.

Beyond the irrefutable moral and ethical justification at the core of gender equality, there is also a pragmatic argument for pursuing women's rights with vigour. Half of the world's population are being left behind, prevented from reaching their potential and contributing to their societies. For example, women's capacity as governance leaders capable of marshalling policy and effectively communicating to citizens has been evident throughout the COVID-19 crisis. Yet despite the demonstrable competence women possess and the evidence that their participation produces better results in all spheres of society, from government to business, education, and healthcare to name just a few, they are underrepresented in senior positions in almost all facets of public life. The detrimental impact of gender inequality leaves women's potential unfulfilled and their contribution unrealized, inhibiting the development of a more prosperous, stable, and peaceful world.

Gender inequality does not have a single cause – its enduring pervasiveness is attributable at least in part to deeply embedded, historically derived attitudes towards the roles of men and women in society. The traditional gender roles assigned to women and men remain highly influential, perpetuating and in many cases justifying the suppression of women's rights and opportunities. Fostering attitudinal change in relation to gender equality is an absolute necessity and a long-term endeavour. Advancing gender equality is not a linear process; roll-back can and does occur.

This Report is a timely and insightful examination of the role that governance structures – and more specifically federal and decentralized governance architectures – can play in mediating opportunities for the advancement of gender equality and women's rights within a polity. With an impressive scope encompassing both formally federal and decentralized systems, and countries in both the Global North and South, the author is to be commended for producing a comprehensive analysis of how multilevel governance dynamics interact to produce positive and negative results in areas crucial to women's lives. As the Report clearly outlines, governance structures, institutions and processes matter in efforts to advance gender equality. Governance, as the means through which societies – and by extension the lives of the people who live within them – are structured, has the ability to generate conditions in which gender equality can be advanced or inhibited. The findings indicate that some of the features and mechanisms that are inherent to federal and decentralized state architectures can provide opportunities for enhancing women's rights which other systems do not.

The ability for women to forum shop; the capacity of subnational units to act autonomously, fostering innovation and policy transfer in gender equality initiatives; and the multiple points of access for women's

political participation, particularly at the local level, are just some of the opportunities identified in the Report that have the potential to lead to significant improvement in women's lives. These are not only a result of the particular institutional design features of federal and decentralized systems – they are also a consequence more fundamentally of the governance closer to the people that these systems facilitate.

Moving forward, policy makers, officials, and other stakeholders committed to creating more equal societies should consider how the features federal and decentralized systems offer for advancing gender equality can be best leveraged and amplified. Equally, while accentuating the federal advantage, it will be necessary to actively guard against the potential federal disadvantage – the possibility for these same features and mechanisms to impede or even roll-back gender equality progress.

There is no room for complacency in the pursuit of a more equal and equitable world for women and girls. Gender inequality issues are often most acute and demonstrably visible in countries in the Global South. Canada's own Feminist International Assistance Policy reflects its commitment to gender equality and women's rights as the central tenet of its global development assistance mission. In developing contexts, the opportunity to embed gender equality principles as a fundamental principle of federalization or decentralization processes is significant.

However, as the Report highlights, the issue is by no means resolved in wealthy countries, and there remain important gender equality deficits in members of the Global North. The global community must remain ever vigilant and work to protect and advance the rights of women as equal members of political, economic, and social life with men, both domestically and internationally. And as the author notes, men are critical stakeholders and allies in this process. Gender equality is not a women-only domain: men have an important role to play in advocating, supporting, and facilitating initiatives aiming to produce more gender inclusive societies.

Governance – its structures, processes, and institutions – is just one of a range of factors that conditions the extent to which women are able to participate as equals in society. Tackling gender inequality requires a broad, holistic response, encompassing many aspects of public and private life. But the findings of this Report provide important insights into some of the primary levers that exist within federal and decentralized governance systems that could be used to improve the lives of women and girls. Governance may not be *the* answer to global gender equality, but it is undoubtedly one critical part of the solution.

The findings and recommendations of this Report are of value to anyone interested in advancing gender equality. Understanding the practical impact that federal and decentralized governance structures can have on supporting women and girls to participate in society on equal terms with men provides a foundation for action moving forward. Equipped with this knowledge, the challenge for policy makers is to develop approaches that can maximise the federal advantage and the benefits to be accrued from it.

Rupak Chattopadhyay
Diana Chebenova
Liam Whittington

September 2020

TABLE OF CONTENTS

Executive Summary	13
Summary	14
Protection of Rights	14
Service Delivery.....	15
Violence against Women	16
Family Relations	18
Political Representation and Participation	19
Economic Empowerment.....	21
Conclusion.....	23
Resume Executif	25
Sommaire	26
Protection des Droits	27
Prestation de Service	28
Violence Faite aux Femmes	29
Relations Familiales.....	31
Representation et Participation Politique.....	32
Autonomisation Economique	34
Conclusion.....	36
Introduction	37
1.1 Background Context.....	38
1.2 Scope and Aims	40
1.3 Gender	41
1.4 Federal Systems	42
1.5 Gender Equality and Federalism	43
1.5.1 Federal Advantages.....	43
1.5.2 Federal Disadvantages	45
1.6 Organization of Report.....	46
Protection of Rights	49
2.1 Introduction	50
2.2 Protection of Rights and Gender Equality.....	50
2.3 Federalism and the Protection of Rights.....	52
2.4 Federal advantages and Federal Disadvantages: Protection of Rights	54

2.4.1 Incorporating Human Rights Conventions	54
2.4.2 Right to Equality and Non-Discrimination	55
2.2.3 Reproductive Rights	59
2.4.4 Right to Own Land and Property	63
2.4.5 Right to Equality in Education	64
2.5 Conclusion	65
Service Delivery	67
3.1 Introduction	68
3.2 Service Delivery and Gender Equality	69
3.3 Federalism and Service Delivery	70
3.4 Federal Advantages and Federal Disadvantages: Service Delivery	71
3.4.1 Innovation and Policy Transfer	71
3.4.2 Enhanced Participation	73
3.4.3 Close to the Community	74
3.4.4 Forum Shopping	75
3.4.5 Fiscal Support	75
3.4.6 Consistency	76
3.4.7 Corruption and Patronage	77
3.5 Conclusion	79
Violence against Women	81
4.1 Introduction	82
4.2 Violence Against Women and Gender Equality	82
4.3 Federalism and Violence Against Women	84
4.4 Federal Advantages and Federal Disadvantages: Violence Against Women	86
4.4.1 Legal Measures	86
4.4.1.1 Constitutional Prohibition of Violence against Women	86
4.4.1.2 Domestic Violence Legislation	87
4.4.1.3 Sexual Assault Legislation	91
4.4.1.4 Prohibition on Harmful Customary and Traditional Practices	94
4.4.2 Non-Legal Measures	95
4.4.2.1 National Plan of Action on Violence against Women	95
4.4.2.2 Provision of Specialized Services for Victims	95
4.4.2.3 Education and Public Awareness	97
4.4.2.4 Data Collection	99
4.5 Conclusion	99

Family Relations	101
5.1 Introduction	102
5.2 Family Relations and Gender Equality	102
5.3 Federalism and Family Relations.....	105
5.4 Federal Advantages and Federal Disadvantages: Family Relations	106
5.4.1 Country-Wide Non-Discriminatory Family Law	106
5.4.2 Separating Religion from Family Law	110
5.4.3 Ending Discriminatory Customary and Traditional Practices	112
5.4.4 Independent Family Law Courts and Decision-Making Bodies	114
5.5 Conclusion.....	119
Political Representation and Participation	121
6.1 Introduction	122
6.2 Political Representation and Participation and Gender Equality.....	123
6.3 Federalism and Political Representation and Participation	125
6.4 Federal Advantages and Federal Disadvantages: Political Representation and Participation.....	131
6.4.1 Electoral System.....	131
6.4.2 Electoral Quotas	133
6.4.2.1 Reserved Seats for Women.....	134
6.4.2.2 Legislated Candidate Quota	134
6.4.2.3 Voluntary Party Quotas.....	137
6.4.3 Equal Participation	138
6.4.3.1 Positive Media Coverage.....	139
6.4.3.2 Networking.....	139
6.4.3.3 Gender Sensitive Parliaments	140
6.4.3.4 Ensuring Security.....	141
6.4.3.5 Men as Allies	141
6.5 Conclusion.....	142
Economic Empowerment	149
7.1 Introduction	150
7.2 Economic Empowerment and Gender Equality	151
7.3 Federalism and Economic Empowerment	152
7.4 Federal Advantages and Federal Disadvantages: Employment Empowerment	153

7.4.1. Provision of Child-Care.....	153
7.4.2 Equal Pay for Work of Equal Value.....	155
7.4.3 Maternity, Paternity and Parental Leave	156
7.4.4. Sexual Harassment in the Workplace.....	158
7.5 Federal Advantages and Federal Disadvantages: Entrepreneurship	162
7.6 Federal Advantages and Federal Disadvantages: Gender Quotas	165
7.7 Conclusion.....	167
Key Themes, Recommendations and Future Research	169
8.1 Overview	170
8.2 Key Themes: Federal Advantages and Federal Disadvantages	171
8.2.1 Multiple Access Points and Forum Shopping	171
8.2.2 Increased Political Representation and Participation	172
8.2.3 Innovation, Experimentation and Policy Transfer.....	172
8.2.4 Close to the Community.....	173
8.2.5 Fragmentation and Inconsistency	173
8.2.6 New Federations	174
8.2.7 Men as Allies	175
8.2.8 Fiscal Support	175
8.3 Recommendations	175
8.4 Further Research.....	179
Bibliography	181

EXECUTIVE SUMMARY

Gender equality experts have differing views on whether federal countries have a greater capacity to advance gender equality than unitary countries. All agree, however, that the effectiveness of any governance system, whether unitary or federal, at advancing gender equality is influenced by a range of external factors including: the political will of governance bodies (central, subnational and local); the ethnic and cultural diversity of the population; the size of population; the presence or absence of internal and external conflict; the level of economic wealth; and the strength of traditional practices and cultural norms which discriminate against women.

However, there are compelling arguments in the literature supporting the capacity of federal countries, if equipped with strong governance mechanisms and institutions, to advance gender equality when the surrounding political, economic, cultural and social conditions are conducive. This can be termed the 'federal advantage'.



EXECUTIVE SUMMARY

- The Forum of Federations is an international NGO working to support governments around the world in developing solutions to governance challenges. It specializes in federal, decentralized and devolved governance systems and their structures and institutions, with a primary focus on the impact that multilevel government can have on the development of effective governance. As part of the process of revising its gender policies, the Forum commissioned this report on gender dynamics in, across and within federal countries with the aim of providing an empirical foundation upon which a practical, gender-based approach to programming can be developed and applied to Forum activities.
- The report examines the complex dynamics of gender equality in federal countries. It focuses on selected illustrative areas including rights protection, the delivery of services, violence against women, family relations, political representation and participation, and economic empowerment. These areas have been chosen because of their central and significant impact on women's lives.
- The report identifies 'federal advantages' and 'federal disadvantages' in the form of opportunities and challenges to advancing gender equality in each of the discrete areas it covers. It adopts a global comparative perspective, drawing on examples from a range of old, new and emerging federal and decentralized countries situated in different regions and cultural contexts.
- Gender equality experts have differing views on whether federal countries have a greater capacity to advance gender equality than unitary countries. All agree, however, that the effectiveness of any governance system, whether unitary or federal, at advancing gender equality is influenced by a range of external factors including: the political will of governance bodies (central, subnational and local); the ethnic and cultural diversity of the population; the size of population; the presence or absence of internal and external conflict; the level of economic wealth; and the strength of traditional practices and cultural norms which discriminate against women.
- The report is divided into 8 sections. Section 1 is the introduction. Sections 2-7 each focus on an important area of women's lives and examine the 'federal advantages' and 'federal disadvantages' that arise in that domain in federal countries. Section 8, the conclusion, identifies key themes derived from the findings of the report, and sets out a series of recommendations, including suggestions for further research.

PROTECTION OF RIGHTS

- The legal protection of rights, including gender-specific rights such as reproductive rights, is critical to ensure that women have tools to challenge the historical and continuing experiences of inequality in the courts, in workplaces, in their homes and in all aspects of their lives.
- Central governments are better placed than subnational units to advance the social, cultural economic, political and civil rights of women enshrined in international conventions, in particular *CEDAW*, to ensure the protection of women's rights country-wide. However, the report found that where the

central government does not adequately protect rights, federal systems provide advantages. Subnational units can, and in some instances do, provide greater protection than the central government. They can (and have) provided an example subsequently followed by other subnational units.

- The report identified a 'federal disadvantage', however, when subnational units empowered to determine rights protection do not prioritize the protection of women's rights, leading in some instances to inconsistent protection of rights across the country.
- The incorporation of human rights conventions, particularly *CEDAW*, into national legal systems is important for the protection and advancement of women's rights. It enables conventions to be directly applied in the courts both to enforce rights in areas where there is no law and to assist in interpreting existing law in line with the international standards. In a unitary country if human rights conventions are not incorporated then there is no avenue for their application in the national legal system. In a federal country however, in a 'federal advantage', if human rights conventions are not incorporated into the national constitution, subnational units can, if empowered, independently incorporate human rights conventions.
- Equality and non-discrimination are core principles in all human rights conventions and if incorporated into the national constitution provide powerful protection of women's rights. If not adequately protected in a national constitution, subnational units can, in a 'federal advantage', enact their own provisions.
- Reproductive rights enable women to have control over whether and when they have children, how many children they have, to protect themselves from sexually transmitted infections, maternal deaths, and from giving birth at a young age. Abortion, a controversial area of reproductive rights, highlights 'federal advantages' and 'federal disadvantages' in different country contexts. For example, in some federal countries abortion has been decriminalized in receptive subnational units and, in an example of 'policy transfer', decriminalized in other units in a 'race to the top'. In other federal countries, however, federal decentralization has led to inconsistency and the ability of some subnational units to impose restrictive approaches to abortion.
- Other important rights for women - including an equal right to own, manage, enjoy and dispose of property and land both within marriage and outside marriage, a right to equality in education, and a right to equality in health - are often unprotected in national constitutions leaving subnational units to determine the level of protection (if any). This can be advantageous in a receptive subnational unit, while leading to inconsistency and inequitable disparity in the realization of women's rights in these areas at the national level.

SERVICE DELIVERY

- Service delivery, for example of education, healthcare and public goods and services, is closely connected to gender equality and the well-being of women. Although women rely on the delivery of

services in all aspects of their lives, globally women access services at a much lower rate than men, are much less able to afford services than men, and receive a reduced quality of service when they do.

- Decentralization of the delivery of services can create, in an example of 'federal advantage', the opportunity to develop, and then introduce, innovative service delivery measures - for example, domestic violence hotlines - in subnational units. In a competitive federal system this can lead to their adoption by other subnational units in a 'race to the top'. In a unitary country with one centralized government, innovative service delivery measures are less likely to emerge.
- Increased opportunities for the political representation and participation of women offered in federal systems can lead to improved delivery of gender-sensitive and targeted services that benefit women, in particular when women have achieved a 'critical mass' of representation at any level of governance.
- Subnational and local governance units, because they are located close to the communities they serve, are better able to understand and respond to the service needs of local women. This is beneficial because local public officials have direct contact with citizens, particularly at the district and village level, where they have personal experiences and connections in the community which will guide them in the process of developing appropriate service delivery frameworks.
- Multiple access points in the form of regional and local government agencies, councils, NGO's, community organizations, and local businesses enable the women's movement to 'forum shop' for new and better service delivery. Additionally, when reform campaigns fail in a chosen forum, the report identified examples when other forums were then lobbied. However, 'forum shopping' often places a serious resource strain on the women's movement and sometimes result in inconsistent gains across the country.
- Fiscal shortfalls were identified in the report as pivotal to the failure of decentralization to deliver services to women in many instances. Additionally, different levels of funding across subnational units sometimes leads to the inconsistent delivery of services in (and within) different subnational regions because of differing priorities and uneven distribution of wealth and technical capacity.
- In an example of 'federal disadvantage' the report found corruption (dishonest or fraudulent conduct by those in power often involving bribery) and patronage (the favouring of community members in exchange for support or votes), which disproportionately impacts women, is sometimes augmented in federal countries where decentralization creates an opportunity for local elites to magnify and strengthen their power base.

VIOLENCE AGAINST WOMEN

- Violence against women - defined as any act, omission or threat that results in, or is likely to result in physical, sexual, psychological or economic harm or suffering to women, either in public or in private life perpetrated by individuals, by organizations, and by the nation state - is widespread in federal and unitary countries.

- In an example of 'federal advantage', decentralization in federal systems can lead to innovative initiatives in subnational units (such as women-run police stations). If successful, these initiatives are subsequently adopted more broadly across the nation, particularly in competitive federal systems. Decentralization can lead to improved legislative frameworks, for example improved domestic violence legislation, when subnational units are pressured or influenced to adopt the improved frameworks operating in other subnational units.
- The report found that the multiple access points of federal systems have enabled the women's movement to 'forum shop' in receptive subnational units to garner more effective support services for victims of violence even when there is an unsupportive central government. However, in other federal countries the fragmentation of the women's movement created by decentralization reduced its ability to lobby for reform and to resist harmful gendered traditional or religious practices often upheld by patriarchal local elites in some federal systems.
- The collection of statistics and data in relation to the extent, causes and effects of violence against women at national, subnational and local level is essential to developing appropriate legislative and policy responses. In an example of 'federal disadvantage' the report found that this is more difficult to coordinate in federal countries where the key 'collection' institutions are managed by different subnational units and in some instances, particularly at a local level, collection is non-existent.
- Comprehensive good-practice sexual assault offence legislation provides important protection for women. In most federal countries the power to enact criminal law is allocated to the central parliament, resulting in significant differences in the content of sexual offences. In the few federal countries where criminal law is subnationally enacted, examples of policy transfers have resulted in improved provisions as good practice measures have been adopted by other subnational units.
- A national plan of action on eliminating violence against women, as recommended by the Beijing Platform for Action, can offer a coordinated and sustained approach across a country enabling all relevant sectors to coordinate and systematize their responses. In a federal country, ensuring uniformity in subnational approaches is essential yet the report found national action plans are rare in federal countries, perhaps reflecting the difficulty in coordinating policy across multiple subnational units with competing and differing priorities.
- The report found that the provision of gender-sensitive services for victims of violence is challenging in a decentralized setting, where an understanding of the gendered nature of violence against women, and its causes and consequences, is required. Ensuring that key actors in subnational units are cognisant of those understandings is challenging. Moreover, if the allocation of funding does not support specialized services this will provide another obstacle to their implementation.
- In an example of both 'federal advantage' and 'federal disadvantage' the report found that policing, a critical service for women victims of violence, is typically decentralized in federal countries. While policing, according to gender role stereotyping, is typically considered a masculine occupation, in an example of 'federal advantage' decentralization has been utilized in some federal countries to bring more women into local police forces, to employ specially trained female officers at every station to

receive complaints from women of gender-based violence, and even to establish women-run police stations.

- The report found that countering harmful social norms and gender role stereotypes through education and public awareness is important to the reduction of violence against women. The decentralization of education, common in federal countries, can enable subnational units to develop innovative programs such as educational curriculum that does not reinforce gender role stereotypes, that provides positive images of girls and women, and includes positive ethical norms around appropriate conflict resolution. However, decentralization can become a 'federal disadvantage' if there is no regional support or local commitment to a gender sensitive education system.
- The report identified the importance of educating policy makers and community leaders at regional and local levels on violence against women so they can implement effective public awareness campaigns designed to accelerate social change, eradicate stereotypes that lead to violence against women, and stimulate discussion and debate about violence against women and the traditions and customs that violate women and girls. In an example of policy transfer the report identified successful campaigns that were replicated in other subnational units.

FAMILY RELATIONS

- The family is a societal institution in which women experience discrimination and marginalization. Family relations are governed by family law (formal and informal), by religion, and by customary and traditional practices. In some instances, religious rules and customary and traditional practices intersect with, and are validated by, law, while in other instances they operate outside the law.
- Women's equality in the family relies on country-wide non-discriminatory family laws and independent courts and other decision-making bodies to enforce the law. Some federal countries have enacted a national family law, in other federal countries family law is delivered through multiple subnational laws, and in some federal countries the power to regulate the family is shared. Additionally, in some federal countries, some or all family laws are sourced from religious systems or from traditional and customary norms and practices. Family law can be formally recognized as part of a country's legal system, but it can also be informal and administered by informal bodies such as tribal councils, caste panchayats, or religious bodies.
- A national family law provides consistency and if the law is not discriminatory and in accord with international norms such as those represented in *CEDAW*, this can provide a good practice approach to equality in the family. However, if a national family law does not exist, or if it does not in accord with human rights standards, in federal systems there is an opportunity to reform family law in subnational units and introduce innovative initiatives, fostering competition or collaboration which may lead to their introduction to other subnational units. By contrast, in a unitary country the women's movement has only a single access point to lobby for reform.

- The report found that where the power to regulate the family is shared between the central parliament and subnational units, it can result in confusion and inconsistency particularly in the context of increased mobilization of families across and between subnational units.
- In some federal countries where there are multiple family laws there is uncertainty as to which applies. This uncertainty impacts women disproportionately because they are often financially vulnerable and need prompt outcomes.
- The report found that if the power to regulate the family is allocated to either subnational units or religious authorities it can create 'federal disadvantages' when traditional or religious practices discriminate against women in the family. Federalism allows, and even encourages, social, cultural, ethnic and religious differences to be expressed by subnational units. However, in the institution of family, these very differences can lead to discrimination against women. For example, if family law is determined through religious personal status laws or traditional practices which discriminate against women, and enforced by and through decision-making bodies staffed by religious authorities who are usually men, it can be difficult to reform these laws and further women's equality in the family.
- The report found that in federal countries where religion is a source of family law it is difficult to change discriminatory religious rules and practices. The ability of women to lobby for reform is fragmented and some women, particularly those isolated in rural and remote regions, may be unable to resist discriminatory practices. Although instances of 'federal advantage' are scarce, the report did identify examples where the women's movement was able to build support regionally and locally, and ultimately engender change in religious rules and practices.
- The report found in federal countries where religion and state are firmly intertwined, separating religion and family law poses many barriers. In an example of 'federal advantage' however, local women have found space for their voices and have presented their claims within religious frameworks. Indeed, many women value their cultural identity and seek non-discriminatory solutions that still recognize the cultural practices they value. Instead of imposing a uniform central prohibition on cultural practices, a federal system may enable women to play a significant role in determining cultural policies and reformulating cultural norms that value women's membership in cultural communities.

POLITICAL REPRESENTATION AND PARTICIPATION

- The equal representation of women in elected public office means that women's presence in a society is numerically reflected in the central and subnational parliaments and other governance bodies. More nuanced than equal representation, equal participation means that women participate on equal terms with men in decision-making in the formulation and implementation of law and policy, and in the performance of all public functions at all levels of governance.
- In an example of a 'federal advantage', the report found that federal systems provide more opportunities for women to enter public office. They do this by creating new public office positions at subnational and local levels. This occurs because: campaign costs at the subnational and local levels

are often much smaller than at the central level; women may be more comfortable in public office roles which are close to the community in which they live; it facilitates the 'double burden' that women bear managing domestic responsibilities alongside any public role; and finally because other community members may be more accepting of women filling public roles in which there is less power and authority vested.

- Some gender equality experts argue that the increased numerical representation offered in federal systems in turn fosters increased political participation as women gain skills, confidence, and capacity. Additionally, local level representation can act as a 'stepping stone to senior levels of government, as women gain experience, develop a higher community profile and achieve name recognition.
- The report found, however, that despite the advantages offered by federal systems in a proportional representation electoral system with a closed list 'zipper', women's political representation is further enhanced by the presence and strength of electoral quotas and other factors such as the provision of child-care, media opportunities, increased security, networking capacity and opportunities.
- Electoral quotas are a form of affirmative action requiring that a certain number or percentage of seats, positions or candidates must be occupied by an under-represented group. The report found that federal systems can encourage the introduction of gender quotas because they can be introduced at lower levels of governance posing less of a challenge to the power elites. Moreover, once they are introduced at subnational or local levels, opportunities for 'policy transfer' may emerge in both competitive and collaborative federations.
- Once elected, equal participation in public office requires the active, independent, and full participation of women in all aspects of the role, including policy formulation, law-making and other decision-making. Since there are more public office positions in federal systems, greater participation of women can be expected. The report found evidence that women increase their skills in public office once given the time and opportunity to gain experience, and that women's presence has, in some instances, changed the focus of the traditional political agenda and transformed 'ways of working' in parliament and other governance bodies. However, the number of women appointed to cabinet, the portfolios women are allocated in cabinet, and the number of women leading subnational units, suggest that women are not participating equally in the parliaments of federal countries at central or subnational level.
- The report found that to sustain any 'federal advantage' created by increased opportunities for women's political representation, additional and enhanced measures to ensure the full participation of women are required. These include positive media coverage, preventing the use of gender role stereotypes, and gender sensitive parliaments, features of which can include child-care facilities, incorporating gender-sensitive policies, scheduling hours of parliamentary sitting to suit women's commitments, and actively recruiting women for leadership positions within the legislature. Ensuring security is also central to women's ability to fully participate as political representatives.
- The report found that having men as allies is important in all areas of women's lives, but particularly in political parties which have great capacity to 'gatekeep' gender equality reforms and women's candidacy. Additionally the report found evidence that decentralization may increase the power of

political parties with women faring better when men supported voluntary gender quotas, promoted women's role in political parties, advocated for women to be selected as candidates, and supported registration of female voters.

ECONOMIC EMPOWERMENT

- Economic inequality of women exists in all countries as women continue to earn less than men, with a significant national global pay gap limiting women's income stream and economic independence. Additionally, there are also significant gaps between men and women in their ownership and control of financial assets, which constrains women's opportunities in business and entrepreneurship.
- The report found that in the employment sector, country-wide protection of employment rights including gender-specific rights such as equal pay, equal pay for work of equal value, the provision of child-care, the prevention of sexual harassment, and the availability of paid maternity, and parental and paternity leave, are important to women's capacity to earn an independent income. In some federal countries employment protections and standards are centrally imposed and, if they are good practice, can provide consistent employment rights for women country-wide. In other federal countries, however, the power to regulate employment is allocated to subnational units or shared. This creates multiple access points for the women's movement and their allies to lobby for improved employment rights and there are successful examples of employment rights protection achieved in many countries. This has, however, also resulted in inconsistent standards across a country, for example different maternity leave entitlements in different subnational units.
- The provision of universally available, reliable, and affordable child-care is linked to women's economic empowerment, because it enables them to work or to access educational opportunities alongside their role, in most societies, as caregivers of children. Few federal countries have uniform country-wide approaches to the provision of child-care, and although the report identified some examples of subnational units offering high quality affordable child-care, in many countries' women have unequal access to child-care and there are inconsistent standards within child-care centers.
- Equal pay means that women and men are paid the same wages for the same work. For example, if a woman and a man are employed as shop assistants doing the same job equal pay means they are both paid at the same rate. Equal pay legislation nationally enacted can resolve unequal pay effectively in federal and unitary countries alike. However, the report found in federal countries where rates of pay are set by subnational units and embedded in multiple awards, it can be difficult to dislodge unequal pay rates as reforming multiple different awards requires considerable resources and unified efforts by the women's movement. This is an example of a 'federal disadvantage'.
- More nuanced than equal pay, equal pay for equal work requires equalizing skills with the rate of pay. For example, comparing weeding and transplanting (tasks more often performed by women and categorised as unskilled) with ploughing, sowing and harvesting (tasks performed more often by men and categorized as skilled), although similar levels of skill and experience are required for both activities. In many federal countries, because pay rates and awards are managed by subnational units very little (if any) progress has been made on equal pay for equal work because it is a complex

mechanism not practically or easily introduced across multiple subnational units. In an example of 'federal advantage' the report did identify a subnational unit with an effective mechanism operating efficiently despite the absence of a central framework. While this could be an innovative example of policy transfer, the positive features of the mechanism have not been replicated in other subnational units to date.

- Maternity leave provides leave to a woman from her place of employment during pregnancy and the birthing process. Paternity leave provides leave to a father during and after the birth. Parental leave provides leave for either or both parents to enable them to care for the child. Much of the variation in labour supply patterns between men and women is not related to the biological act of childbirth but to the ways in which employment regimes treat mothers. While some federal countries have put in place national programmes for maternity, paternity, and parental leave, with varying benefits, in other federal countries subnational units are left to determine policy approaches to leave. This has led to inconsistent provisions, although with examples of generous provisions in some subnational units.
- Sexual harassment – unwelcome sexually determined behaviour such as physical contact and advances, sexual remarks, showing pornography and sexual demands whether by words or action – is widespread in workplaces in federal and unitary countries. In many federal countries there is no uniform approach and while this has created the opportunity for subnational innovation, in most countries there is inconsistent or no protection for women in the workplace.
- Women are a significant presence in the entrepreneurial landscape. Entrepreneurship rests on principles of market freedom and lack of state interference because of the view that business freedom is necessary to foster a competitive environment that generates a high degree of product innovation, which in turn leads to economic prosperity. However, business freedom may disadvantage women, who may need safeguards and support to enable them to compete equally with other businesses and in the international market.
- The report found women often do not have wide experience and knowledge of business operations, lack financial literacy, do not have business networks and face numerous barriers in accessing finance. Some evidence suggests, however, that regional programmes that support entrepreneurial activities, such as financial literacy training, access to credit and other support mechanisms, reach small and medium sized enterprises more effectively in federal and decentralized countries. However, wealthier subnational units may have more business-friendly policies and less corruption, resulting in uneven opportunities for women entrepreneurs across a federal country.
- The report identified examples of policy transfer in which the innovative business practices of women have been replicated in other subnational units.
- Gender quotas in the economic space can include preferential treatment for women in recruitment and promotion, setting specific targets for women in occupations where women are under-represented, and reserved spaces for women in senior management and on boards. Gender quotas can be effective in unitary and federal countries, but in an example of 'federal advantage' the report identified examples where multiple access points have created greater opportunities for the introduction of gender quotas.

CONCLUSION

- The report, in the final section, identifies the broad themes that have emerged, identifies a set of recommendations and suggestions for further research.

RESUME EXECUTIF

Le rapport examine les dynamiques complexes liées à l'égalité des genres dans les pays fédéraux. Il est basé sur des domaines illustratifs sélectionnés qui comprennent la protection des droits, la prestation de services, les violences faite aux femmes, les relations familiales, la représentation et la participation politiques et l'autonomisation économique. Ces domaines ont été sélectionnés eu égard à leur impact central et significatif sur la vie des femmes.

Le rapport identifie les « avantages fédéraux » et les « inconvénients/désavantages fédéraux » sous forme d'opportunités et de défis pour promouvoir l'égalité des genres dans chacun des domaines distincts qu'il couvre. En effet, le présent rapport adopte une perspective comparative globale, en s'appuyant sur des exemples émanant d'un éventail d'anciens et de nouveaux pays fédéraux ou décentralisés, situés dans des régions et des contextes culturels différents.

RESUME EXECUTIF

- Le Forum des Fédérations est une ONG internationale qui œuvre à soutenir les gouvernements aux quatre coins du monde afin de développer des solutions qui visent à relever les défis liés à la gouvernance. Il est spécialisé dans les systèmes de gouvernance fédérale et décentralisé ainsi que leurs structures et institutions respectives, tout en accordant une attention particulière à l'impact que puissent avoir les gouvernements multi-niveaux sur le développement d'une gouvernance efficace. Dans le cadre du processus de révision des politiques liées au genre, le Forum a élaboré le présent rapport qui porte sur les dynamiques du genre au sein des pays fédéraux dans le but de fournir un fondement empirique permettant le développement et l'application d'une approche pratique basée sur le genre dans les activités du Forum.
- Le rapport examine les dynamiques complexes liées à l'égalité des genres dans les pays fédéraux. Il est basé sur des domaines illustratifs sélectionnés qui comprennent la protection des droits, la prestation de services, les violences faites aux femmes, les relations familiales, la représentation et la participation politiques et l'autonomisation économique. Ces domaines ont été sélectionnés eu égard à leur impact central et significatif sur la vie des femmes.
- Le rapport identifie les «avantages fédéraux» et les «inconvenients/désavantages fédéraux» sous forme d'opportunités et de défis pour promouvoir l'égalité des genres dans chacun des domaines distincts qu'il couvre. En effet, le présent rapport adopte une perspective comparative globale, en s'appuyant sur des exemples émanant d'un éventail d'anciens et de nouveaux pays fédéraux ou décentralisés, situés dans des régions et des contextes culturels différents.
- Les experts de l'égalité des genres ont des avis divergents sur les pays fédéraux et leur plus ou moins meilleure capacité à promouvoir l'égalité des genres par rapport aux pays unitaires. Cependant, ils s'entendent tous que l'efficacité de tout système de gouvernance, qu'il soit unitaire ou fédéral, pour la promotion de l'égalité des genres est influencée par une série de facteurs externes, tels que la volonté politique des instances dirigeantes (au niveau central, infranational ou local); la diversité ethnique et culturelle de la population; la taille de la population; la présence ou l'absence d'un conflit interne et externe; le niveau de richesse économique; et l'ampleur des pratiques traditionnelles et des normes culturelles qui sont à l'origine de discriminations à l'égard des femmes.
- Le rapport se divise en 8 chapitres. Le premier chapitre est dédié à l'introduction. Pour ce qui est des chapitres 2-7, chacun se focalise sur un domaine important qui s'articule autour de la vie des femmes et qui examine les 'avantages fédéraux' ainsi que les 'inconvenients fédéraux' qui apparaissent dans ce domaine dans les pays fédéraux. La conclusion, chapitre 8, présente les thèmes clés tirés des constats du rapport et énonce une série de recommandations qui évoquent des idées de recherche plus poussées.

PROTECTION DES DROITS

- La protection juridique des droits, y compris les droits sexospécifiques tels que les droits liés à la procréation, est essentielle pour s'assurer que les femmes sont suffisamment outillées pour relever les défis que représentent les expériences historiques et continues d'inégalité dans les tribunaux, sur les lieux de travail, à leurs domiciles et dans tous les aspects de leur vie.
- Les gouvernements centraux sont mieux placés que les unités infranationales pour promouvoir les droits sociaux, culturels, économiques, politiques et civiques des femmes, prévus dans les conventions internationales et notamment la *CEDAW* et pour assurer la protection des droits des femmes à l'échelle nationale. Néanmoins, le rapport permet de constater que les systèmes fédéraux présentent plus d'avantages lorsque le gouvernement central ne protège pas les droits de manière adéquate. Les unités infranationales peuvent, et dans certains cas permettent réellement, de fournir une meilleure protection que celle fournie par le gouvernement central. Ils peuvent et ils ont déjà inspiré d'autres unités infranationales qui ont suivi leur exemple.
- Le rapport identifié cependant, un «désavantage fédéral» lorsque les unités infranationales qui sont habilitées à déterminer les droits à protéger, ne priorisent pas la protection des droits des femmes, cela conduit parfois à une protection incohérente des droits à travers tout le pays.
- L'intégration des conventions des droits de l'Homme, notamment la *CEDAW*, dans les systèmes juridiques nationaux est essentielle pour la protection et la promotion des droits des femmes. En effet, cela permet l'application directe des conventions dans les tribunaux aussi bien pour faire valoir les droits dans les domaines qui n'ont pas été couverts par la loi que pour aider à interpréter la loi existante conformément aux normes internationales. Dans un pays unitaire, si les conventions des droits de l'Homme ne sont pas incorporées, il n'y aura aucun moyen de les appliquer dans le système juridique national. Dans le cadre d'«avantage fédéral»: si dans un pays fédéral, les conventions des droits de l'Homme ne sont pas intégrées dans la Constitution nationale, les unités infranationales peuvent les intégrer de manière indépendante s'ils s'en donnent les moyens.
- L'égalité et la non-discrimination sont des principes fondamentaux dans toutes les conventions des droits de l'Homme et lorsqu'ils sont intégrés dans la Constitution nationale, ils fournissent une protection efficace des droits des femmes. Si elles ne sont pas adéquatement protégées dans la Constitution nationale, les unités infranationales peuvent promulguer leurs propres dispositions, dans le cadre des «avantages fédéraux».
- Les droits génésiques permettent aux femmes de contrôler si elles veulent ou pas avoir des enfants, quand et combien. Ces droits lui permettent également de se protéger contre les **infections sexuellement transmissibles**, les décès maternels et l'accouchement à un jeune âge. L'avortement, un domaine controversé pour les droits génésiques, met l'accent sur les 'avantages fédéraux' et les 'inconvenients fédéraux' dans différents contextes nationaux. Par exemple, dans certains pays fédéraux, l'avortement a été dépenalisé dans les unités infranationales réceptives et, dans un exemple de «transfert de politique», il a été décriminalisé dans d'autres unités dans «une course au sommet». Cependant, dans d'autres pays fédéraux, la décentralisation fédérale a conduit à des incohérences et à la capacité de certaines unités infranationales d'imposer des approches restrictives à l'avortement.

- D'autres droits importants pour les femmes - y compris un droit égal à la propriété, à la gestion, à la jouissance et l'aliénation des propriétés et des parcelles que ce soit dans le cadre du mariage ou en dehors du cadre matrimonial, le droit à l'égalité dans l'éducation et le droit à l'égalité en matière de santé - sont souvent non protégés dans les Constitutions nationales, ouvrant la voie aux unités infranationales pour déterminer le niveau de protection (le cas échéant). Ceci pourrait être avantageux dans une unité infranationale réceptive, tandis qu'il pourrait engendrer une incohérence et une disparité inéquitable lors de la mise en œuvre des droits des femmes dans ces domaines au niveau national.

PRESTATION DE SERVICE

- La prestation de service à l'instar de l'éducation, la santé et les biens et services publics est étroitement liée à l'égalité des genres et au bien-être des femmes. Bien que les femmes comptent sur la prestation des services dans tous les aspects de leur vie, l'accès des femmes aux services est d'une manière générale inférieur à celui des hommes, elles sont beaucoup moins en mesure de se payer des services que les hommes et reçoivent des services de moindre qualité lorsqu'elles le font.
- Parmi les «avantages fédéraux», la décentralisation de la prestation de service peut créer l'opportunité de développer et ensuite d'introduire des mesures innovantes de prestation de service, telles que les assistances téléphoniques pour dénoncer la violence domestique, dans les unités infranationales. Dans un système fédéral compétitif, ceci peut conduire les autres unités infranationales à suivre les bons exemples dans leur «course au sommet». En revanche, les mesures innovantes de prestation de service sont moins susceptibles d'émerger dans un pays unitaire ayant un gouvernement central.
- Les opportunités accrues pour la représentation politique et la participation des femmes offertes dans les systèmes fédéraux peut conduire à l'amélioration de la prestation de services ciblés et adaptés au genre, en faveur des femmes, notamment lorsque les femmes ont atteint une masse critique de représentation à tous les niveaux de la gouvernance.
- Eu égard à leur proximité par rapport aux communautés qu'elles servent, les unités de gouvernance infranationales et locales sont mieux placées pour comprendre et répondre aux services dont les femmes ont besoin à l'échelle locale. Ceci est bénéfique car les autorités publiques ont un contact direct avec les citoyens, notamment au niveau des quartiers et des villages, où ils vivent des expériences personnelles et tissent des liens au sein de la communauté qui les guideront dans le processus de développement de cadres appropriés pour la prestation de service.
- Les points d'accès multiples tels que les agences gouvernementales régionales et locales, les conseils, les ONG, les organisations communautaires et les entreprises locales, permettent aux mouvements des femmes de «forum shop» d'avoir de nouvelles et meilleures prestations de services. De plus, lorsque les campagnes de réforme échouent dans un forum donné, le rapport identifie des exemples où d'autres forums ont ensuite fait l'objet de lobbying. Cependant, le 'forum shopping' fait souvent peser une lourde charge sur les ressources du mouvement des femmes et aboutit parfois à des avantages irréguliers à travers tout le pays.

- Les déficits fiscaux ont été identifiés, dans le rapport, comme facteur principal de l'échec de la décentralisation à fournir des services aux femmes dans de nombreux cas. De plus, les différents niveaux de financement à travers les unités infranationales mènent parfois à la disparité des services fournis dans (et au sein) des différentes régions infranationales, eu égard à la différence des priorités et à la répartition inégale de la richesse et des capacités techniques.
- Un exemple de «désavantage du fédéralisme», constaté dans le rapport: la corruption (conduite malhonnête ou frauduleuse par ceux qui sont au pouvoir impliquant souvent les pots-de-vin) et le népotisme (favoriser les membres de la communauté en échange de leur soutien ou de leur vote), ce qui a un impact disproportionné sur les femmes. Ces problèmes sont parfois plus répandus dans les pays fédéraux où la décentralisation crée une opportunité pour les élites locales pour élargir et renforcer leur base de pouvoir.

VIOLENCE FAITE AUX FEMMES

- La violence à l'égard des femmes - définie comme tout acte, omissions ou menaces conduisant à, ou susceptibles de provoquer un préjudice physique, sexuel, psychologique ou économique ou conduisant à la souffrance d'une femme, que ce soit dans la vie privée ou publique perpétrée par des individus, des organisations et par l'Etat nation – est répandue dans les pays fédéraux et unitaires.
- La décentralisation dans les systèmes fédéraux, comme exemple d'«avantage fédéral» peut motiver les initiatives innovantes dans les unités infranationales (telles que les postes de police gérés par les femmes). Si elles sont réussies, ces initiatives sont par la suite adoptées à une échelle plus large dans le pays, notamment dans les systèmes fédéraux compétitifs. La décentralisation peut conduire à l'amélioration des cadres législatifs, comme l'amélioration de la législation sur la violence domestique, lorsque les unités infranationales sont poussées ou influencées à adopter les cadres améliorés fonctionnant dans d'autres unités infranationales.
- Le rapport a révélé que les points d'accès multiples des systèmes fédéraux ont permis le 'forum shop' du mouvement des femmes dans les unités infranationales réceptives pour obtenir des services de soutien plus efficaces pour les victimes de violence même lorsqu'il y a un gouvernement central non-solidaire. Cependant, dans d'autres pays fédéraux, la fragmentation du mouvement des femmes provoquée par la décentralisation a réduit sa capacité à faire du lobbying pour la réforme et pour résister aux pratiques sexistes traditionnelles ou religieuses néfastes qui sont souvent défendues par des élites locales patriarcales dans certains systèmes fédéraux.
- La collecte de statistiques et de données relatives à l'ampleur, aux causes et aux effets de la violence faite aux femmes au niveau national, infranational et local est essentielle pour apporter des réponses législatives et politiques adéquates. Parmi les exemples de «désavantage fédéral», il a été constaté qu'il est plus difficile de coordonner dans les pays fédéraux où les institutions clés responsables de la collecte sont gérées par différentes unités infranationales et dans certains cas, notamment au niveau local, la collecte n'existe même pas.
- La législation globale sur les bonnes pratiques en matière d'agression sexuelle offre une protection importante pour les femmes. Dans la plupart des pays fédéraux, le pouvoir de promulguer le droit pénal est attribué au parlement central, entraînant de grandes différences dans les textes relatifs aux

infractions sexuelles. Dans les quelques pays fédéraux où le droit pénal est promulgué à l'échelle infranationale, des exemples de transferts de politiques ont abouti à l'amélioration des dispositions, des mesures de bonnes pratiques ayant été adoptées par d'autres unités infranationales.

- Un plan d'action national sur l'élimination des violences faites aux femmes, tel que recommandé par la Plateforme d'Action de Pékin, est en mesure d'offrir une approche coordonnée et soutenue à travers tout le pays, permettant à tous les secteurs concernés de coordonner et de systématiser leurs réponses. Dans les pays fédéraux, bien que l'uniformité des approches infranationales soit essentielle, le rapport relève que les plans d'actions nationaux sont rares dans les pays fédéraux, ce qui reflète éventuellement la difficulté de coordonner les politiques à travers des unités infranationales multiples ayant des priorités concurrentes et différentes.
- Il a été constaté, dans le rapport, que la fourniture de services sensibles au genre pour les victimes de violence est difficile dans un contexte décentralisé, où la compréhension de la nature genrée de la violence faite aux femmes et de ses causes et conséquences est nécessaire. Par ailleurs, il est difficile de s'assurer que les acteurs clés des unités infranationales aient ce type de connaissances. De plus, si l'allocation de financement ne prend pas en charge les services spécialisés, cela constituera de nouvelles barrières à leur mise en œuvre.
- Dans un exemple à la fois d'«avantage» et d'«inconvenient fédéral», il a été constaté que le service de police, un service essentiel pour les femmes victimes de violence, sont typiquement décentralisés dans les pays fédéraux. Bien que le maintien de l'ordre soit typiquement un travail assuré par les hommes, selon les stéréotypes de genres, la décentralisation a été utilisée dans certains pays fédéraux, dans un exemple d'«avantage fédéral», pour impliquer plus de femmes dans les forces de polices locales. L'objectif étant d'employer des officières de police femmes dans chaque poste de police, qui soient spécialement formées pour recevoir les plaintes des femmes victimes de violences basées sur le genre et d'établir même des postes de police gérés par des femmes.
- Le rapport dénote que la lutte contre les normes sociales préjudiciables et les stéréotypes de genres par l'éducation et la sensibilisation publique est importante pour réduire la violence à l'égard des femmes. La décentralisation de l'éducation, courante dans les pays fédéraux, peut permettre aux unités infranationales de développer des programmes innovants tels que le programme éducatif qui ne renforce pas les stéréotypes de genres, qui donne des images positives sur les filles et les femmes et qui présente des normes éthiques positives sur la résolution appropriée des conflits. Cependant, la décentralisation peut devenir un «désavantage fédéral» en l'absence d'un soutien régional ou d'un engagement local pour le système éducatif sensible au genre.
- Le rapport a identifié l'importance d'éduquer les décideurs politiques et les leaders communautaires aux niveaux régional et local sur la violence à l'égard des femmes afin qu'ils puissent mettre en œuvre des campagnes publiques efficaces de sensibilisation conçues pour accélérer le changement social, éradiquer les stéréotypes qui mènent à la violence infligée aux femmes et stimuler les discussions et les débats autour de la violence à l'égard des femmes et autour des traditions et des coutumes qui violent les droits des femmes et des filles. Dans un exemple de transfert de politique, le rapport a identifié des campagnes réussies qui ont été répliquées dans d'autres unités infranationales.

RELATIONS FAMILIALES

- La famille est une institution sociétale au sein de laquelle les femmes sont soumises à la discrimination et à la marginalisation. Les relations familiales sont régies par le droit de la famille (formel et informel), la religion et les pratiques coutumières et traditionnelles. Dans certains cas, les normes religieuses et les pratiques coutumières et traditionnelles se croisent avec, et sont validées par, la loi, alors que dans certains cas, elles fonctionnent en dehors du cadre de la loi.
- L'égalité des femmes au sein de la famille s'appuie sur des lois familiales non-discriminatoires à l'échelle nationale, sur une juridiction indépendante et sur d'autres organes de décision pour appliquer la loi. Certains pays fédéraux ont promulgué un droit de la famille à l'échelle nationale, pour d'autres, le droit de la famille est défini selon une multitude de lois infranationales, alors que pour certains autres, le pouvoir de réglementation du droit de la famille est partagé. De surcroît, dans certains pays fédéraux, certaines ou toutes les lois de la famille émanent des systèmes religieux ou des normes et pratiques traditionnelles et coutumières. Le droit de la famille pourrait être formellement reconnu comme faisant partie du système juridique du pays, mais il peut également être informel et géré par des organes informels tels que les conseils tribaux, les panchâyats de caste ou les organes religieux.
- Le droit de la famille national permet d'assurer la cohérence et s'il est non-discriminatoire et s'aligne avec les normes internationales telles que celles présentées dans la *CEDAW*, il permet de fournir une bonne approche pour la pratique de l'égalité au sein de la famille. Or, s'il n'existe pas de droit de la famille national, ou si ce dernier n'est pas conforme aux normes des droits humains, il y a la possibilité dans les systèmes fédéraux de réformer le droit de la famille dans des unités infranationales et d'introduire des initiatives innovantes, tout en renforçant la compétition ou la collaboration, ce qui conduira à inspirer d'autres unités infranationales. Par contre, dans un pays unitaire, le mouvement des femmes n'a qu'un seul point d'accès pour le lobbying de la réforme.
- Le rapport a montré que lorsque le pouvoir de réglementation de la famille est partagé entre le parlement central et les unités infranationales, il peut engendrer une confusion et une incohérence particulièrement dans le contexte de la mobilisation accrue des familles à travers et entre les unités infranationales.
- Dans certains pays fédéraux où il y a une multitude de lois régissant la famille, il y a une incertitude sur la loi qui devrait être appliquée. Cette incertitude touche particulièrement les femmes vu qu'elles sont souvent vulnérables financièrement et requièrent des résultats immédiats.
- Le rapport a montré que si le pouvoir de réglementation de la famille est attribué soit à des unités infranationales ou à des autorités religieuses, ce dernier peut créer des 'inconvenients fédéraux' lorsque les pratiques traditionnelles ou religieuses sont discriminatoires à l'égard de la femme, au sein de la famille. Le fédéralisme permet et encourage même l'expression des différences sociales, culturelles, ethniques et religieuses par les unités infranationales. Cependant, dans l'institution de la famille, ces différences peuvent conduire à la discrimination contre les femmes. Par exemple, si le droit de la famille est déterminé à travers des lois basées sur le statut personnel religieux ou les pratiques traditionnelles discriminatoires à l'égard des femmes et s'il est appliqué par et à travers des organes de décision dirigés par des autorités religieuses qui sont souvent gérés par des hommes, il

serait difficile de réformer ces lois et de promouvoir l'égalité entre l'homme et la femme au sein de la famille.

- Le rapport a révélé que dans les pays fédéraux où la religion constitue la source de légifération du droit de la famille, il est difficile de modifier les règles et les pratiques religieuses discriminatoires. La capacité des femmes à plaider pour la réforme est fragmentée et certaines femmes, notamment celles isolées dans des zones rurales ou égarées, risquent d'être incapables de résister contre les pratiques discriminatoires. Bien que les avantages fédéraux ne soient pas nombreux, le rapport a identifié des exemples où le mouvement des femmes a été capable de renforcer le soutien à l'échelle régionale et locale et d'engendrer au final des changements au niveau des règles et des pratiques religieuses.
- Le rapport a révélé que dans les pays fédéraux où la religion et l'Etat sont fermement interconnectés, la séparation de la religion et du droit de la famille est confrontée à plusieurs obstacles. Or, dans un exemple d'avantage fédéral, les femmes locales ont trouvé de l'espace pour faire entendre leurs voix et pour présenter leurs revendications dans des cadres religieux. En effet, plusieurs femmes mettent en valeur leur identité culturelle et cherchent des solutions non-discriminatoires qui reconnaissent toujours les pratiques culturelles qu'elles valorisent. Au lieu d'imposer une interdiction centrale uniforme des pratiques culturelles, le système fédéral pourrait permettre aux femmes de jouer un rôle significatif pour déterminer les politiques culturelles et reconcevoir les normes culturelles qui valorisent l'adhésion des femmes aux communautés culturelles.

REPRESENTATION ET PARTICIPATION POLITIQUE

- La représentation égale des femmes dans les mandats électifs publics implique que la présence des femmes dans la société soit reflétée avec des chiffres dans les parlements centraux et infranationaux et dans d'autres instances de gouvernance. Plus nuancée que la représentation égale, la participation égale désigne la participation des femmes à égalité avec les hommes dans la prise de décision, dans la conception et la mise en œuvre des lois et des politiques et dans l'exercice de toutes les fonctions publiques à tous les niveaux de gouvernance.
- Dans un exemple d'avantage fédéral, le rapport évoque que les systèmes fédéraux offrent plus d'opportunités aux femmes pour accéder à la vie publique. Ceci est assuré par la création de nouveaux postes publics aux niveaux local et infranational. Cela est possible car: les coûts des campagnes aux niveaux infranational et local sont beaucoup moins importants qu'au niveau central; les femmes peuvent être plus à l'aise à occuper des rôles publics à proximité de la communauté où elles vivent; car cela permet de surmonter le 'double fardeau' que les femmes assument en gérant les responsabilités domestiques parallèlement à leur rôle public; et finalement parce que les autres membres de la communauté accepteraient mieux que les femmes occupent des rôles publics où il y a moins de pouvoir et d'autorité acquis
- Certains experts en égalité des genres soutiennent que la représentation numérique accrue, offerte dans les systèmes fédéraux favorise à son tour la participation politique accrue des femmes puisqu'elles acquièrent des compétences, développent leur confiance en soi et démontrent des capacités. De plus, la représentation au niveau local peut servir de tremplin pour atteindre des niveaux

supérieurs dans le gouvernement, vu que les femmes gagnent de l'expérience, développent un profil communautaire supérieur et atteignent un certain degré de notoriété.

- Toutefois, le rapport a dénoté que malgré les avantages offerts par les systèmes fédéraux, dans un système électoral doté d'une représentation proportionnelle ayant une liste fermée «zipper», la représentation politique des femmes est renforcée davantage par la présence et la puissance des quotas électoraux ainsi que d'autres facteurs tels que la mise à disposition de services de garde d'enfants, les opportunités médiatiques, la sécurité accrue, la capacité et les opportunités de réseautage.
- Les quotas électoraux sont une forme d'action affirmative qui requiert qu'un certain nombre ou taux de sièges, de postes ou de candidats soient occupés par un groupe sous-représenté. Le rapport a révélé que les systèmes fédéraux peuvent encourager l'introduction de quotas basés sur le genre car ils peuvent être introduits dans des niveaux de gouvernance inférieurs, tout en posant moins de défi pour les élites au pouvoir. De plus, une fois introduits aux niveaux infranationaux ou locaux, les opportunités pour le 'transfert de politique' peuvent émerger dans les fédérations compétitives et collaboratives.
- La participation égale des femmes dans la vie publique, une fois qu'elles sont élues, requiert leur participation active, indépendante et entière dans tous les aspects du rôle, y compris l'élaboration de politiques et la participation à la confection de la loi et dans la prise de décision. Vu l'existence d'un nombre supérieur de postes publics dans les systèmes fédéraux, la participation des femmes peut être espérée à une plus grande ampleur. Le rapport a montré que les femmes améliorent leurs compétences dans la vie publique lorsqu'on leur permet d'avoir le temps et de saisir l'opportunité pour gagner de l'expérience, sachant que la présence des femmes a, dans certains cas, changé l'orientation de l'agenda politique traditionnelle et a transformé les 'méthodes de travail' dans le parlement et dans d'autres organes de gouvernance. Cependant, le nombre de femmes nommées au cabinet, les portefeuilles attribués aux femmes dans le cabinet et le nombre de femmes dirigeant des unités infranationales, suggèrent que les femmes ne participent pas équitablement dans les parlements des pays fédéraux au niveau central ou infranational.
- Le rapport suggère que pour soutenir tout 'avantage fédéral' créé grâce aux opportunités accrues pour la représentation politique des femmes, des mesures supplémentaires et accrues pour s'assurer de la participation entière des femmes sont requises. Ces mesures comprennent une couverture médiatique positive, la prévention contre l'utilisation des stéréotypes relatifs au rôle basé sur le genre, des parlements sensibles au genre, d'autres aspects tels que la mise à disposition de services de garde pour les enfants, l'intégration de politiques sensibles au genre, la programmation des horaires des séances parlementaires en fonction des engagements des femmes et le recrutement actif des femmes dans des postes de responsabilité au sein du corps législatif. Assurer la sécurité est également capital pour promouvoir la capacité des femmes à jouer pleinement leur rôle de représentantes politiques.
- Le rapport a révélé qu'il est important d'avoir des hommes comme alliés dans tous les domaines touchant la vie des femmes, notamment dans les partis politiques, étant de meilleurs «garants» des réformes sur l'égalité des genres et des candidatures féminines. De plus, le rapport a montré que la décentralisation peut accroître le pouvoir des partis politiques, les femmes sont plus avantagées

lorsque les hommes soutiennent les quotas de genre volontaires, promeuvent le rôle des femmes dans les partis politiques, encouragent la sélection des femmes comme candidates et soutiennent l'inscription des électrices.

AUTONOMISATION ECONOMIQUE

- L'inégalité économique des femmes existe partout dans le monde, étant donné que les femmes continuent à gagner moins que les hommes, avec un écart salarial important au niveau mondial, limitant les sources de revenus et l'autonomie financière des femmes. De plus, il existe également des écarts importants entre les hommes et les femmes en matière de propriétés et contrôle d'actifs financiers, limitant ainsi les opportunités qui leur sont offertes dans le domaine des affaires et de l'entrepreneuriat.
- Le rapport révèle que dans le secteur de l'emploi, la protection des droits du travail à l'échelle nationale, y compris les droits sexo-spécifiques tels que l'égalité salariale, des services de garde d'enfants, la prévention du harcèlement sexuel, les congés de maternité payés, le congé parental et de paternité, sont des facteurs importants pour l'autonomisation économique des femmes. Dans certains pays fédéraux, la protection de l'emploi et les normes de travail sont imposées à l'échelle centrale, et si elles suivent les bonnes pratiques, elles peuvent garantir des droits d'emploi adaptés pour les femmes à l'échelle nationale. Cependant, dans d'autres pays fédéraux, le pouvoir de réglementation de l'emploi est soit partagé, soit attribué aux unités infranationales. Ceci permet de créer des points d'accès multiples pour le mouvement des femmes et leurs alliés, favorisant le lobbying et l'amélioration des droits de travail. A noter qu'il existe des exemples de réussite sur la protection des droits du travail, dans plusieurs pays. Or ceci a également conduit à l'émergence de normes incohérentes à travers le pays, comme les différences au niveau des congés de maternités dans les unités infranationales.
- L'allocation d'un service de garde d'enfants disponible, fiable et abordable est lié à l'autonomisation économique des femmes, étant donné qu'il leur permettra de travailler ou d'accéder à des opportunités éducatives, en parallèle avec leur rôle de tuteurs d'enfants, dans la plupart des sociétés. Seuls quelques pays fédéraux ont adopté des approches nationales uniformes de service de garde d'enfants. Bien que le rapport ait identifié quelques exemples d'unités infranationales offrant des services de qualité supérieurs et à des prix abordables, dans plusieurs pays, les femmes ont un accès inégal aux services de garde d'enfants, mise à part l'incompatibilité des normes mises en place dans les centres de garde.
- L'égalité salariale signifie que les femmes et les hommes perçoivent le même salaire pour un même travail accompli. Par exemple, si une femme et un homme sont tous deux employés comme vendeurs dans un magasin, et assurent les mêmes tâches, l'égalité salariale signifie qu'ils sont payés le même salaire. La législation relative à l'égalité salariale adoptée à l'échelle nationale peut efficacement résorber les inégalités salariales, et de la même façon aussi bien dans les pays à régime fédéral que les états unifiés. Cependant, le rapport révèle que dans les pays fédéraux où les taux de rémunérations sont définis par les unités infranationales et intégrés dans différents systèmes d'indemnités, il est difficile de combler les inégalités de rémunérations car dans ce cas, la réforme requiert des ressources

considérables et des efforts unifiés par le mouvement des femmes. Ceci est un exemple d'inconvénient des systèmes fédéraux.

- Outre l'égalité salariale, la rémunération égale pour un travail égal requiert l'harmonisation des compétences avec la rémunération perçue. C'est le cas par exemple si l'on compare les activités de désherbage et de repiquage (tâches souvent effectuées par des femmes et considérées comme non qualifiées) avec les labours, semis et récoltes (tâches effectuées souvent par des hommes et classées comme qualifiées). Pourtant des niveaux de compétences et d'expérience similaires sont requis pour les deux activités. Dans plusieurs Etats fédéraux, étant donné que les systèmes de rémunérations et d'indemnités sont gérés par des unités infranationales, très peu de progrès (si tant est qu'il y en ait) ont été enregistrés en matière d'égalité salariale pour le même travail accompli. Ceci est dû à la complexité du mécanisme qui n'est pas facilement introduit dans les différentes unités infranationales. Le rapport a identifié une unité infranationale, considéré comme un exemple d'avantage du système fédéral, doté d'un mécanisme efficace malgré l'absence de cadre central. Bien que cela puisse constituer un exemple novateur de transfert de politique, les aspects positifs du mécanisme n'ont pas été dupliqués dans d'autres unités infranationales jusqu'à ce jour.
- Le congé de maternité permet aux femmes de quitter temporairement leur travail durant la période de grossesse et d'accouchement. Le congé de paternité permet aux pères de bénéficier d'un congé durant et après l'accouchement. Le congé parental permet à l'un des deux parents ou aux deux de bénéficier d'un congé pour prendre soin de l'enfant. La plupart des différences dans les modèles d'offre de travail entre les femmes et les hommes n'est pas lié à l'acte biologique de l'accouchement mais plutôt à la manière dont les régimes d'emploi traitent les femmes. Tandis que quelques pays fédéraux ont mis en place des programmes pour définir le congé de maternité, de paternité et le congé parental ainsi que les avantages respectifs, dans d'autres pays fédéraux les unités infranationales déterminent les politiques liées aux congés. Ceci a entraîné une incohérence dans les dispositions, bien que certaines unités infranationales ont mis en place des dispositions généreuses.
- Le harcèlement sexuel – comportement sexuel indésirable tel que le contact physique, les avances et les remarques à connotation sexuelle, l'exposition de scènes pornographiques et les demandes à caractère sexuel, qu'elles soient verbales ou à travers des actions – est répandu sur les lieux de travail, dans les pays à régime fédéral ou unitaire. Dans plusieurs pays fédéraux, il n'existe pas d'approche uniforme, et bien que cela ait créé la possibilité d'innover au niveau infranational, dans la plupart des pays, les femmes demeurent non protégées.
- La représentativité des femmes dans le paysage entrepreneurial est importante. L'entrepreneuriat repose sur les principes du libre marché et l'absence d'interférence de l'Etat vu que la libéralisation des entreprises est nécessaire pour favoriser un environnement concurrentiel qui génère un degré d'innovation élevé. Ce qui mène en retour à la prospérité économique. Toutefois, la libéralisation des entreprises pourrait défavoriser les femmes qui ont besoin de garanties et de soutien pour pouvoir entrer en compétition sur un même pied d'égalité avec les autres entreprises et dans le marché international.
- Le rapport a révélé que la plupart des femmes n'ont pas assez d'expérience et de connaissances dans le monde des affaires et dans le domaine financier. De même, elles ne sont pas impliquées dans des réseaux d'affaires et elles font face à de multiples barrières pour accéder aux financements. Certaines

données suggèrent que les programmes régionaux qui soutiennent les activités entrepreneuriales, tels que l'éducation financière, l'accès aux crédits ainsi que d'autres mécanismes de soutien, atteignent plus efficacement les PME dans les pays fédéraux et décentralisés. Cependant, les unités infranationales les plus aisées sont susceptibles d'avoir des politiques plus favorables au monde des affaires avec moins de corruption, ce qui se traduit par des opportunités inégales pour les femmes entrepreneures dans les pays fédéraux.

- Le rapport a identifié des exemples de transfert de politiques où les pratiques commerciales innovantes mises en œuvre par des femmes ont été dupliquées dans d'autres unités infranationales.
- Les quotas de genre dans la sphère économique peuvent comprendre une discrimination positive en faveur des femmes dans le recrutement et la promotion, tout en définissant des cibles spécifiques dans les postes de travail où les femmes sont sous-représentées, ainsi que des postes réservés aux femmes dans la haute direction et les conseils d'administration. Les quotas de genre peuvent être efficaces dans les pays unitaires et fédéraux, mais dans un exemple identifié comme étant un avantage du système fédéral, le rapport a identifié des cas où les points d'accès multiples ont créé plus d'opportunités pour l'introduction des quotas de genre.

CONCLUSION

- Dans le dernier chapitre, le rapport pointe les principaux thèmes qui ont émergé et présente une série de recommandations et de suggestions pour une recherche plus approfondie.

INTRODUCTION

Gender equality experts have differing views as to whether federal countries have a greater capacity to advance gender equality than unitary countries. However, there are compelling arguments in the literature supporting the capacity of federal countries, if equipped with strong governance mechanisms and institutions, to advance gender equality when the surrounding political, economic, cultural and social conditions are conducive.

For some of those opportunities however, in different circumstances or contexts, or without the use of appropriate gender equality mechanisms, the 'federal advantage' can become a 'federal disadvantage'.

Background Context	1.1	◇
Scope and Aims	1.2	◇
Gender	1.3	◇
Federal Systems	1.4	◇
Gender Equality and Federalism	1.5	◇
Federal Advantages	1.5.1	
Federal Disadvantages	1.5.2	
Organization of Report	1.6	◇

INTRODUCTION

1.1 BACKGROUND CONTEXT

The Forum of Federations is an international NGO that works to support governments around the world in developing solutions to governance challenges. It specializes in federal, decentralized, and devolved governance models and their structures and institutions with a primary focus on the impact that multilevel government can have on strengthening pluralism and the development of effective governance. As part of the process of revising its gender policies, the Forum commissioned this report on gender dynamics in, across and within federal countries with the aim of providing an empirical foundation upon which a practical, gender-based approach to programming can be developed and applied to Forum activities. Although the focus is on federal countries, some examples from decentralized and devolved countries have been included in the analysis, where relevant.

Gender inequality is a significant issue in unitary and federal countries alike.¹ The World Economic Forum has, since 2006, examined annually the gap between men and women across four fundamental categories: Economic Participation and Opportunity; Educational Attainment; Health and Survival; and Political Empowerment. From this data it produces the Global Gender Gap Index.² The Index provides a useful starting point for examining gender dynamics in federal countries.³ It measures gender-based gaps in access to resources and opportunities within countries (rather than the actual levels of the available resources and opportunities), revealing gender gaps not contingent on the development level and access to resources of each individual country. For example, developed countries offer more education and health opportunities to all members of society and overall women may face less inequality and have more opportunities than women in developing countries. The Index, however, measures and compares what is offered to men and what is offered to women in each country and rewards countries for smaller gaps in access to those resources, regardless of the overall level of resources.⁴ In education, for example, the Index measures countries based on the size of the gap between male and female enrolment rates, but not for overall levels of education in the country.⁵

The Index does not measure all aspects of gender inequality and is limited by the indicators it uses to measure the four categories. Nevertheless, using Index data, Table 1 below reveals through its rankings of 28 federal countries first in 2006, and then in each of 2016, 2017, 2018, and 2020, three significant results.

Firstly, there is a considerable gap between the most successful federal country on the Index - Germany – which is ranked from 5 to 14 across the selected years, and the most unsuccessful federal country on the Index - Pakistan – which is ranked from 112 to 157 across the selected years and is close to the bottom of each year's ranking. Secondly, most federal countries have decreased their ranking since 2006 (i.e. the gender gap in those countries has widened), even accounting for the increase in the number of countries measured since the World Economic Forum started the Index. Finally, dramatic decreases and increases can be seen in some federal countries between 2006 and 2020 suggesting that factors beyond the governance system are powerful influences on gender equality achievements. For example, the United States has decreased its ranking from 23 to 53, the Russian Federation from 49 to 81, and Australia from 15 to 44. In contrast Mexico is the only federal country to have substantially increased its ranking between 2006 and 2020 from 75 to 25.

¹ World Bank Group, *Gender Overview*. <<https://www.worldbank.org/en/topic/gender/overview>>

² World Economic Forum, *Global Gender Gap Report 2020*. <<http://reports.weforum.org/global-gender-gap-report-2020/>> Note there is no report for 2019.

³ Susan Williams, 'Federalism and Gender Equality' (2018) 46(4)*Federal Law Review*491-519, 499.

⁴ World Economic Forum, above n 2, at 3-4.

⁵ World Economic Forum, above n 2, at 4.

Table 1: Global Gender Gap Index Ranking of Federal Countries

	Year 2020	2018	2017	2016	2006
Number of Countries Measured	153	149	144	144	115
Federal Countries			Rank		
Argentina	30	36	34	33	41
Australia	44	39	35	46	15
Austria	34	53	57	52	27
Belgium	27	32	31	24	20
Bosnia and Herzegovina	69	62	66	N/A	N/A
Brazil	92	95	90	79	67
Canada	19	16	16	35	14
Comoros	N/A	N/A	N/A	N/A	N/A
Ethiopia	82	117	115	109	N/A
Federated States of Micronesia	N/A	N/A	N/A	N/A	N/A
Germany	10	14	12	13	5
India	112	108	108	87	98
Iraq	152	147	N/A	N/A	N/A
Malaysia	104	101	104	106	72
Mexico	25	50	81	66	75
Nepal	101	105	111	110	111
Nigeria	128	133	122	118	99
Pakistan	157	148	143	143	112

Palau	N/A	N/A	N/A	N/A	N/A
Papua New Guinea	127	N/A	N/A	N/A	N/A
Russian Federation	81	75	71	75	49
Saint Kitts and Nevis	N/A	N/A	N/A	N/A	N/A
South Africa	17	19	19	15	18
Switzerland	18	20	21	11	26
United Arab Emirates	120	121	120	124	101
United States	53	51	49	45	23
Venezuela	67	64	60	74	57

*Sourced from Global Gender Gap Reports of 2006, 2016, 2017, 2018, 2020.

The results of the Index connect to the key research questions of this report:

- How are women involved in, and impacted by, federalization and decentralization processes?
- Does multilevel governance impede the development of gender equality policies and exacerbate inequalities between men and women (and between women living in different areas of the same country)? If yes, how?
- In what contexts and circumstances does a federal system create opportunities and advantages for the advancement of gender equality?
- In what contexts and circumstances does a federal system create barriers and disadvantages for the advancement of gender equality?
- What impact do federal systems have on gender equality policy outcomes?
- What mechanisms can be/have been used in federal systems to tackle gender inequality? Which have been effective?

1.2 SCOPE AND AIMS

The report examines the complex dynamics of gender equality in federal countries. It does not cover all areas and issues which are important to women's lives. Rather, it focuses on selected illustrative areas including rights protection, the delivery of services, violence against women, family relations, political representation and participation, and economic empowerment. These areas have been chosen because of their central and significant impact on women's lives. The report identifies 'federal advantages'

and 'federal disadvantages' in each of the discrete areas it covers. 'Federal advantage' refers to identifying the contexts in which federal systems create opportunities and advantages for the advancement of gender equality. 'Federal disadvantage' refers to identifying the contexts in which federal systems create barriers and disadvantages for the advancement of gender equality. In applying the concepts of 'federal advantage' and 'federal disadvantage' the report includes decentralized or devolved countries which are not federal but share many of the characteristics of federal countries. Furthermore, it considers the important role of men as allies in furthering gender equality through the deployment of federal governance mechanisms and through challenging gender norms and the role of male gatekeepers.⁶

The report adopts a global comparative perspective drawing on examples from a range of old, new and emerging federal countries, situated in different regions and cultural contexts, and with a range of federal systems, some highly centralized and some highly decentralized. While it refers to specific examples of local governance where relevant, it broadly adopts the term subnational to refer to both regional governance and local governance. It extracts and synthesizes the key theoretical and empirical learning from the existing evidence base with the aim of enriching the approach of the Forum to supporting and facilitating initiatives to advance gender equality and the rights of women. In accordance with the aims of this research initiative, the findings represent transferable knowledge relevant to the Forum's developing-transitional country programs and of use to practitioners with little prior experience on gender equality issues. Importantly, this knowledge has application outside of the Forum's specific development assistance activities and can be utilized more broadly to inform the development and implementation of gender equality strategies and programs in multilevel governance systems.

The report does not include fiscal federalism, except to note the importance of funding to the success of some measures, as appropriate. Fiscal federalism is an important but specialized area in furthering gender equality and women's rights and therefore the Forum is commissioning a separate, complementary paper focused specifically on this topic.

1.3 GENDER

The report focuses primarily on women. Women's lives and experiences, however, are shaped by understandings of gender, sex, gender roles and gender role stereotypes. While sex refers to biological differences between women and men, gender is generally understood as referring to the social and cultural differences a society assigns to people based on their biological sex.⁷ In each culture, certain behaviours and practices shaped by socio-cultural practices are recognized as 'feminine' or 'masculine' irrespective of whether they are adopted by women or by men.⁸ Those behaviours are plural and dynamic and differ by region, class, national culture and other factors.⁹ Gender roles are derived from the chosen because of their central and significant impact on women's lives. The report identifies

⁶ Benjamin Drury and Cheryl R. Kaiser, 'Allies Against Sexism: The Role of Men in Confronting Sexism' (2014) 70(4) *Journal of Social Issues* 637-652; Michael Messner, Max A. Greenberg and Tal Peretz, *Some Men: Feminist Allies in the Movement to End Violence against Women* (Oxford University Press, 2015).

⁷ Hilary Lips, *Sex and Gender: An Introduction* (Waveland Press, 2017) 5.

⁸ Ibid 6.

⁹ Ibid.

distribution of men and women into social roles in the home, at work and in public spaces which are further represented and reinforced through media, educational materials, advertising, and other mediums.¹⁰ Gender role stereotypes are a related concept and refer to the roles than men and women are expected to play, based on those perceptions of femininity and masculinity.¹¹

The report posits that women face 'prejudice, domination, exclusion and oppression'¹² based on their sex and their gender and because of pervasive gender role stereotypes. In analysing the gender dynamics operating in federal countries, and identifying 'federal advantages' and 'federal disadvantages' it is presumed that unequal power relations place women at a disadvantage with respect to their enjoyment of rights, their access to the services they need, the social roles they are expected to perform in the family, the disproportionate and gendered violence they experience, their ability to pursue political careers, and their ability to generate an independent income.¹³

1.4 FEDERAL SYSTEMS

While federal systems are not uniform – there is considerable variation between different federal states with regard to how federalism is practiced - they also share many characteristics. Federal countries have: a central government and subnational levels with genuine autonomy; a written constitution that identifies and sets out the parameters of the federal system formally allocating legislative and fiscal powers and responsibilities to different units; special arrangements to ensure the representation of subnational units in the central government often in the form of an upper house; a procedure for resolving constitutional disputes; a judicial review mechanism that prevents central and state governments exceeding their powers; and a mechanism for resolving disputes between the central and subnational levels.¹⁴ While there are different approaches to the categorization of federal systems, four general forms are referred to in this report. The first is the unitary federal system in which the central government retains greater power and dominates the formation of policy and law and has primary control over fiscal matters. The second is the dual federal system wherein the central and subnational units have separate and distinct powers, responsibilities and functions. The third is the competitive federal system where the subnational units compete vertically (between the central government and the subnational units) and horizontally (between the subnational units) for financial revenue, public goods and other services.¹⁵ The final is the cooperative federal system (also known as marble-cake federalism) in which the central and the subnational units engage in joint decision-making, sharing of resources and administrative capabilities. Many federal systems are composed of a mixture of these frameworks and evolve and change over time, and so these distinctions should not be seen as fixed and absolute. The type of society often drives the type federal system which is established or evolves. A homogenous country without territorially organized

¹⁰ Jörg Matthes, Michael Prieler and Karoline Adam, 'Gender-Role Portrayals in Television Advertising Across the Globe' (2016) 75(77-8)*Sex Roles* 314-327, 316.

¹¹ Lips, above n 7, at 6.

¹² Alice Edwards, *Violence Against Women under International Human Rights Law* (Cambridge University Press, 2011) 18.

¹³ Ibid 18, 184; Fernanda Vidal Correa, 'Gender Stereotypes and Patronage Practices in Women's Careers: A Study of the Mexican Executive Branch' (2016) 2(1)*Cogent Social Sciences*1-19.

¹⁴ George Anderson, *Federalism. An Introduction* (Forum of Federations, 2016) 3.

¹⁵ SeeniAliff, 'New Trends and Models in Federalism' (2015) 20 *IOSR Journal Of Humanities And Social Science* 71-79, 75.

communities and with a strong single national identity might select (or produce) a unitary federal model. In contrast, a country with numerous identity groups making territorial claims might select (or produce) a dual federal model.

1.5 GENDER EQUALITY AND FEDERALISM

Gender equality experts have differing views as to whether federal countries have a greater capacity to advance gender equality than unitary countries.¹⁶ All agree however that the effectiveness of any governance system, whether unitary or federal, in advancing gender equality is influenced by a range of factors external to the governance system including: the political will of central and subnational governments (for example whether they are progressive or conservative); the ethnic and cultural diversity of population (for example whether ethnic minorities are regional or dispersed); the size of population; the presence or absence of conflict internal and external; the level of economic wealth; and the strength of traditional practices and cultural norms which discriminate against women.¹⁷ While there is no way of knowing whether a failed policy in a unitary country might have worked more effectively in a federal country, there are compelling arguments in the literature supporting the capacity of federal countries, if equipped with strong governance mechanisms and institutions, to advance gender equality when the surrounding political, economic, cultural and social conditions are conducive. For some of those opportunities however, in different circumstances or contexts, or without the use of appropriate gender equality mechanisms, the 'federal advantage' can become a 'federal disadvantage'.¹⁸

Some of the general arguments made by gender equality experts identifying 'federal advantages' and 'federal disadvantages' are as follows. Each argument will be further explored, with examples, in the focused sections that follow.

1.5.1 FEDERAL ADVANTAGES

- Gender equality experts argue that federal systems increase opportunities for women's democratic participation simply because there are more public office positions available.¹⁹ In all governance systems (unitary and federal) it is important that women and minorities are represented in the legislature, the executive and the judiciary, as well as in the civil service - the professional branches of state administration mandated to implement the policy of the government. Many gender equality experts argue that the increased opportunities for representation in public office offered by federal systems will result in increased participation and associated beneficial outcomes for women as they

¹⁶ Gwendolyn Gray, 'Women, Federalism and Women-Friendly Policies' (2006) 65(1) *Australian Journal of Public Administration* 25–45, 20.

¹⁷ Deborah Brennan, 'Federalism, Childcare and Multilevel Governance in Australia' in Marian Sawyer, Melissa Haussman and Jill Vickers (eds) *Federalism, Feminism and Multilevel Governance* (Ashgate, 2012) 37-51, 39.

¹⁸ Petra Meier, 'Studying Federal Systems Through the Lens of Gender: An Overview' (2014) 14 *Federalisme Regionalisme*. <<https://popups.uliege.be/1374-3864/index.php?id=12712>>

¹⁹ Amede Obiora and Sarah Toomey, 'Federalism and Gender Politics in Nigeria' in Melissa Haussman, Marion Sawyer and Jill Vickers (eds) *Federalism, Feminism and Multilevel Governance* (Ashgate, 2010) 211-225, 211; Enid Slack, Zachery Spicer and Makram Montacer, *Decentralization and Gender Equity Occasional Paper Series Number 14* (Forum of Federations, 2014) 7.

gain confidence, experience, skills, and voice.²⁰ Women, according to some research, are more willing to support the interests of other sectoral groups, to promote public goods such as water, schools, health and sanitation and to hold leaders to account and to support policies that assist children, the sick and the elderly.²¹

- Gender equality experts argue that multiple subnational units create multiple access points for women to lobby for reform measures in multiple forums, for example local parliaments, unions, courts, and political parties.²² In particular, if the central government is conservative and resistant to gender equality measures women have alternate entry points to lobby for positive gains.²³ However, as some gender equality experts have argued, multiple access points also create multiple opportunities for conservative actors to block gender equality reforms.²⁴
- Gender equality experts argue that federal systems encourage policy transfer in competitive or cooperative federations.²⁵ They do this by enabling subnational units to act as 'laboratories' to test innovative policies.²⁶ This can create competition between the subnational units in a 'race to the top'²⁷ or in a cooperative system provide a positive example for other subnational units.²⁸ Innovation and an associated 'race to the top'²⁹ can however, become a federal disadvantage if a conservative policy in one subnational unit is adopted by other subnational units in a 'race to the bottom'.³⁰
- Gender equality experts argue that federal systems are better able to respond to ethnic diversity and conflict by providing opportunities for autonomy, self-rule and self-determination.³¹ This may indirectly provide a federal advantage to women, who are disproportionately affected by conflict.³²

²⁰ Roberta Ryan and Ronald Woods, 'Women's Political Empowerment: Lessons for Subnational Levels of Government—Nepal, Pakistan, Rwanda, and Indonesia' *Civic Engagement and Politics: Concepts, Methodologies, Tools, and Applications* (IGI Global, 2019) 1237-1257.

²¹ Klaus Deininger, Songqing Jin, Hari Nagarajan and Fang Xia, *Inheritance Law Reform, Empowerment, and Human Capital Accumulation: Second-Generation Effects from India* (World Bank, 2014) 13; Adele Lausberg, 'Women and Representation. Cross-Party Collaboration in the Australian Federal Parliament' (2016) 69 *Parliamentary Affairs* 249-265, 261.

²² Williams, above n 3, at 495.

²³ Brennan, above n 17.

²⁴ Alba Alonso and Tania Verge, 'Territorial Dynamics and Gender Equality Policies in Spain' (2014) 14 *Federalisme Regionalisme*. <<https://popups.uliege.be/1374-3864/index.php?id=12712>>

²⁵ Jill Vickers, 'Gendering Federalism. Institutions of Decentralization and Power-Sharing' in Mona Krook and Fiona MacKay *Gender, Politics and Institutions* (Palgrave Macmillan, 2011b) 129-146, 136.

²⁶ Michele Beyeler, 'Direct and Indirect Effects of Federalism on Equality Policies Between Women and Men. Perspectives from Switzerland' (2014) 14 *Federalisme Regionalisme*. <<https://popups.uliege.be/1374-3864/index.php?id=12712>>

²⁷ Vickers, above n 25.

²⁸ Marian Sawyer, Melissa Haussman and Jill Vickers, (eds) 'Conclusion' *Federalism, Feminism and Multilevel Governance* (Ashgate, 2012) 229-238, 234.

²⁹ Alonso and Verge, above n 24, at 6; Karen Celis, Fiona MacKay and Petra Meier, 'Social Movement Organizations and Changing State Architectures: Comparing Women's Movement Organizing in Flanders and Scotland' (2012) 43(1) *Publius. The Journal of Federalism* 44-67, 45.

³⁰ Susan Franceshet and Jennifer Piscopo, 'Federalism, Decentralization and Reproductive Rights in Argentina and Chile' (2012) 43(1) *Publius. The Journal of Federalism* 129-150, 130.

³¹ Jill Vickers, 'Territorial Pluralism and Family-Law Reform: Conflicts Between Gender and Culture Rights in Federations, North and South' (2013) 40(1) *Politikon* 57-82, 62.

³² Katherine Adeney, *Federalism and Conflict Resolution in India and Pakistan* (Palgrave, 2016).

- Gender equality experts argue federal systems enable local concerns, including the particular interests of women, to be better represented. Subnational units are geographically closely situated to local communities which are better informed about the local needs of women.³³ However, other gender equality experts argue that this federal advantage can, in particular cultural contexts, lead to federal disadvantage when federal systems allocate competencies they regard as 'private', such as family regulation, to subnational units.³⁴ Global examples indicate that some subnational units, rather than recognizing sex discrimination, often tolerate continuation of discriminatory practices against women particularly in areas such as inheritance or family law.³⁵ Instead, some gender equality experts argue that a strong central government is essential for the uniformity of laws, programs and services and that multiple levels of government 'limit state capacity to enact and protect women's rights'³⁶.
- Gender equality experts argue that new federations offer more opportunities for gender equality initiatives than older federations. The process of constitution-making as new federations are created or when constitutions are revised, they argue, in an example of federal advantage, provides a significant gender opportunity to protect the rights of women.³⁷ Such a period of change may present a momentum for new institutional arrangements with policy innovations that promote gender equality.³⁸

1.5.2 FEDERAL DISADVANTAGES

- Gender experts argue that the creation of multiple subnational units limits central government power and fragments its ability to implement redistributive social policies that benefit women.³⁹ For example, if each subnational unit is individually responsible for the delivery of public services then women may have more or less access to public services according to the wealth and priorities of each unit. The result may be an uneven delivery of services, policies and laws to women across a nation.⁴⁰
- Gender equality experts argue federal systems can fragment and isolate women's organizations and movements making organizing collaboratively difficult.⁴¹ More resources are required to launch multiple campaigns and interventions in multiple forums and through multiple entry points.⁴²

³³ Franceshet and Piscopo, above n 30, at 131.

³⁴ Franceshet and Piscopo, above n 30, at 130; Vickers, above n 31, at 58.

³⁵ Obiora and Tomey, above n 19; Jill Vickers, 'Territorial Pluralism and Family-Law Reform: Conflicts Between Gender and Culture Rights in Federations, North and South' (2013) 40(1) *Politikon* 57-82, 58.

³⁶ Celis, MacKay and Meier, above n 29, 45.

³⁷ Jill Vickers, 'Incorporating Gender into Studies of Federalism' (2013) 43(1) *Publius* 1-23, 2.

³⁸ Celis, MacKay and Meier, above n 29, 45, 46

³⁹ Gray, above n 16.

⁴⁰ Vandna Bhatia and Melissa Haussman, 'Internal Variations in Health-Care Federalism in Canada and the United States' (2014) 14 *Federalisme Regionalisme* <<https://popups.uliege.be/1374-3864/index.php?id=12712>>; Alonso and Verge above n 24.

⁴¹ Fernanda Correa, 'Federalism and Gender Quotas in Mexico: Analysing *Propietario* and *Suplente* Nominations' (2014) 50(1) *Journal of Representative Democracy* 321-335.

⁴² Meier above n 18.

Energies can become divided between working for reform in national campaigns and subnational campaigns.⁴³

- Gender equality experts argue women representatives in federal countries where subnational units are divided on ethnic lines, or where there are differences in economic buoyancy or minority rights issues, may support ethnic nationalism or other local issues over gender equality initiatives.⁴⁴ Additionally, even when women representatives and community members do place gender equality in front of, or alongside, territorial interests it can be difficult to have those priorities integrated into nationalist structures and policies.⁴⁵
- Federal systems are costly and complicated with multiple institutions, multiple governments, multiple administration systems, and multiple judicial systems. It can be difficult for citizens to understand and navigate and, for smaller, poorer countries, this may mean there is less money for gender equality reforms.⁴⁶

1.6 ORGANIZATION OF REPORT

The report is divided into 8 sections. Sections 2-7 each focus on an important area of women's lives and examine the opportunities and challenges that arise in that discrete domain in federal countries. Section 8—the conclusion—provides an overview of the findings in the report setting out in summary form the federal advantages and federal disadvantages to advancing gender equality, detailed recommendations derived from the findings, and suggestions for further research.

Section 2 focuses on rights protection. It emphasizes the importance of a strong Bill of Rights in the national constitution that embeds universal rights and freedoms and gender-specific rights. In exploring both the opportunities and the challenges in federal countries in securing country-wide protection of rights, it focuses on select examples—strong equality and non-discrimination provisions, the right to equality in the delivery of education, reproductive rights with a focus on abortion, and the right to land ownership—to showcase advantages and disadvantages of federal systems to protect women's rights.

Section 3 examines the delivery of services in federal countries, in particular, the gender equality impact of decentralizing service delivery. Using comparative examples, it explores the opportunities decentralization creates because subnational units, closely located to the communities they serve, are better able to understand the needs of women. It also identifies the federal disadvantages created when inconsistent delivery of services in (and within) different subnational regions occurs due to differing priorities and uneven distribution of wealth and technical capacity, frustrating national gender equality aims.

Section 4 focuses on violence against women. In federal countries, there are significant challenges to ending violence and supporting and protecting victims if the power to regulate violence against women

⁴³ Franceshet and Piscopo, above n 30, 132.

⁴⁴ Nadjé-Al-Ali and Nicola Patt, 'Between Nationalism and Women's Rights. The Kurdish Women's Movement in Iraq' (2011) 4 *Middle East Journal of Culture and Communication* 339-355, 345, 349, 351.

⁴⁵ Meier above n 18.

⁴⁶ Penny Griffin, 'Crisis, Austerity and Gendered Governance: A Feminist Perspective' (2015) 109(1) *Feminist Review* 49-72.

and deliver appropriate services is allocated to subnational units. This section explores opportunities, both legislative and non-legislative, including strengthening legal frameworks and national standard-setting, and non-legislative measures including national plans of action, education and public awareness raising that can be utilized in federal countries.

Section 5 focuses on the regulation of the family, a societal institution in which women experience discrimination and marginalization. In federal countries, inequality in family relations raises particular and significant challenges since 'self-rule' in subnational units can enable religious authorities and customary law systems to further embed discriminatory rules and practices, resulting in inconsistency in family status across different jurisdictions. However, this section identifies opportunities that have been utilized by the women's movement in federal countries to amend or modify discriminatory laws and practices and deliver positive outcomes for women in the family.

Section 6 focuses on the equal representation and participation of women in elected public office. It explores, using comparative examples, the argument that in federal countries the increased number of elected public office positions and the close location of subnational units to the community may foster an increase of numerical representation of women. Higher rates of representation do not, however, necessarily mean higher rates of participation and this section also explores the role women play in decision-making once elected.

Section 7 focuses on women's economic empowerment. In federal countries, ensuring that women have country-wide access to an independent income stream, either through paid employment or through business opportunities, gives rise to opportunities and challenges. This section identifies challenges in achieving uniform legal employment protections, but also explores opportunities for the enhancement of women's entrepreneurial activities through secured transaction legislation, financial literacy training, and easy to navigate business structures with online registration options. While minimum standards for employment are best nationally set and enforced, business innovation may be encouraged by federal governance arrangements.

Section 8, the conclusion, begins by summarizing the overall findings of the report concluding that federal models of governance can create opportunities for the advancement of gender equality and women's rights, but that in particular contexts, it also creates challenges. Importantly, this section focuses on each of the discrete areas of women's lives considered and identifies federal advantages and federal disadvantages which support or impede the advancement of gender equality. It provides recommendations derived from the findings on how gender equality can be furthered in countries with federal, devolved and decentralized system of governance and indicates areas in which further research would enhance the understanding of gender dynamics in federal countries.

PROTECTION OF RIGHTS

This section firstly identifies state obligations to protect rights and explains the importance of rights protection to gender equality (2.2). Secondly, it outlines the relationship, in general terms, between federalism and the protection of rights (2.3). Thirdly, it sets out, using comparative examples, federal advantages and federal disadvantages to protecting the rights of women.

The examples of rights protection identified include strong equality and non-discrimination provisions, the protection of reproductive rights with a focus on abortion, guaranteeing the right to land ownership and the right to equality in the delivery of education (2.4). Political rights, the right to equality in marriage and family relations, the right to equality in employment and the right to a life free from violence are considered elsewhere in the report.

Introduction	2.1	◇
Protection of Rights and Gender Equality	2.2	◇
Federalism and the Protection of Rights	2.3	◇
Federal Advantages and Federal Disadvantages	2.4	◇
Incorporating Human Rights Conventions	2.4.1	
Right to Equality and Non-Discrimination	2.4.2	
Reproductive Rights	2.4.3	
Right to Own Land and Property	2.4.4	
Right to Equality in Education	2.4.5	
Conclusion	2.5	◇

PROTECTION OF RIGHTS

2.1 INTRODUCTION

The legal protection of rights is central to the advancement of gender equality. Many countries protect rights in their constitution, often through a Bill of Rights, which is typically located at the front of the constitution, signifying its central importance.¹ In federal countries subnational units may also protect rights in a subnational constitution. Rights provide women with critical tools to challenge the historical and continuing experiences of inequality they endure in the courts, in workplaces, in their homes and in all aspects of their lives. They include a guarantee of the universal rights and freedoms, drawn from the 'core' international conventions that make up the human rights framework and gender-specific rights such as reproductive rights.

In federal countries, ensuring country-wide protection of rights creates challenges as Bills of Rights often have inadequate anti-discrimination protection and gender-specific rights are often not protected as universal rights. Subnational units are left to determine the level of rights protection, which may not be favourable to gender equality. However, opportunities for greater rights protection for women may arise in federal countries during constitutional reform, through 'forum' shopping in progressive subnational units and through innovative policy transfers in competitive and cooperative federal systems.

This section firstly identifies state obligations to protect rights and explains the importance of rights protection to gender equality (2.2). Secondly, it outlines the relationship, in general terms, between federalism and the protection of rights (2.3). Thirdly, it sets out, using comparative examples, federal advantages and federal disadvantages to protecting the rights of women. The examples of rights protection identified include strong equality and non-discrimination provisions, the protection of reproductive rights with a focus on abortion, guaranteeing the right to land ownership and the right to equality in the delivery of education (2.4). Political rights, the right to equality in marriage and family relations, the right to equality in employment and the right to a life free from violence are considered elsewhere in the report.

2.2 PROTECTION OF RIGHTS AND GENDER EQUALITY

The advancement of gender equality relies on the country-wide protection of the universal fundamental rights and freedoms contained in the 'core' international conventions that make up the human rights framework. This includes, primarily, the rights protected in the *International Covenant on Civil and Political Rights 1966 (ICCPR)* including the right to life, freedom from torture, freedom from slavery, the right to liberty and security of the person, rights relating to due process in criminal and legal

¹See for example *Constitution of the Republic of South Africa 1996*, which contains a comprehensive Bill of Rights in Chapter 2; *Constitution of Nepal 2015* which contains comprehensive Fundamental Rights and Duties in Part 3; and the *Constitution of the Federation of Bosnia and Herzegovina 1994* which contains comprehensive Human Rights and Fundamental Freedoms in Article 2.

proceedings, equality before the law, freedom of movement, freedom of thought, conscience and religion, freedom of association, rights relating to family life and children, rights relating to citizenship and political participation, and minority groups' rights to their culture, religion and language. It also includes the rights contained in the *International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR)* including the right to work, the right to form trade unions, the right to an adequate standard of living, the right to housing, the right to social security, the right to education, the right to the highest attainable standard of physical and mental health, the right to a healthy environment, and a right to cultural life.

The advancement of gender equality relies primarily upon the country-wide protection of the gender-specific rights articulated in the *Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW)*.² *CEDAW* is the most important international convention on the rights of women and sets out a range of targeted rights, including: the right to equality and non-discrimination (comprehensively defined); the right to freedom from exploitation in prostitution; and the right to equality in health, political representation and participation, education, citizenship, social and economic benefits and employment, and marriage and family. It also mandates equality for rural women (Articles 1-16). The Beijing Declaration and the Beijing Platform for Action are the outcome documents of the UN Fourth World Conference on Women held in Beijing on 15 September 1995.

The Beijing Declaration is a resolution promulgating a set of principles for achieving the equality of men and women. The Platform for Action is a progressive blueprint for advancing women's rights. Although they do not have the force and effect of a convention, both can be utilized as advocacy tools to support law and policy reform.³

The protection of universal rights and freedoms and gender-specific rights is strongest when entrenched in a national constitution, which is supreme law. This provides gender equality advocates and civil society organizations with powerful tools to challenge the historical and continuing experiences of inequality that women experience in all aspects of their lives. Additionally, constitutional protection of rights provides an important standard for the state and its representatives to formulate legislation and

Forum Shopping Example

Switzerland

Switzerland has included a 'popular initiative' provision in its constitution which gives actors (organizations, individuals, interest groups and social movements) the ability to launch nation-wide public debates about new rights claims. By collecting 100,000 signatures social groups may propose a new constitutional article that must be brought to the polls. Initiatives, although often denied at the polls, are a powerful instrument. Even if the proposal does not gain a majority, these claims are often considered in subsequent policy development. Although this can be utilized by both progressive and conservative actors, in an example of 'federal advantage' a gender equality article (strengthening guarantees of sex equality in education, industry and in the home) was accepted by Swiss voters in 1981. This article was the official alternative proposal to a popular initiative that had been proposed by the highly mobilized women's movement.

*Michelle Beyeler, *Direct and Indirect Effects of Federalism on Gender Equality Policies: Insights from Switzerland* (2014) 14 *Federalisme Regionlisne* 1-15. 4.

² Jill Vickers, 'Incorporating Gender into Studies of Federalism' (2013) 43(1) *Publius* 1-23, 10.

³ Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995 (A/CONF.177/20).

policy and a mandate to protect women's rights and advance gender equality. It also sets societal norms and provides a symbolic standard for the community of acceptable conduct.

It is difficult to amend constitutions (often, amendment requires a special majority in the national legislature, or a referendum process, or both) and therefore enshrining gender equality rights in constitutions can give those rights enduring status. Conversely however, in older constitutions where gender equality rights are not enshrined, it can be difficult to modify and reform them to include gender equality rights protection.

2.3 FEDERALISM AND THE PROTECTION OF RIGHTS

In federal and unitary countries alike, enshrining universal human rights, the gender dimensions of universal rights (for example, not just a right to education but a right to gender equality in education) and gender-specific rights (for example reproductive rights) in the national constitution is the most effective means of ensuring the country-wide protection of women's rights. In federal countries, many gender equality experts argue, central governments are better placed than subnational units to advance the social, cultural, economic, political and civil rights of women enshrined in international conventions, in particular *CEDAW*.⁴ However, national constitutions rarely include the gender dimensions of universal rights or gender-specific rights despite almost all world countries having ratified or acceded to *CEDAW*. In both federal and unitary countries this is typically because opponents argue they involve 'legitimate disagreements' while other rights, such as the right to a fair trial or the right to freedom of religion, are accepted as universal and unassailable.

Some gender equality experts argue that since subnational units can and indeed are obliged to not merely adhere to but to also expand the federal 'minimum standard' for rights protection, this creates a federal advantage. Indeed, there are examples of federal countries providing greater protection of rights at subnational level. In Argentina some state constitutions provide much greater protection of rights than the national constitution. For example, while in the federal domain women were not enfranchised until 1947, the subnational *Constitution of San Juan* gave women the right to vote in 1927.⁵

Forum Shopping Example

Iraq

'In the Iraqi Constitution, they talk about the role of sharia and allowing polygamy. In the south of Iraq, they don't think that this is a problem. Only in the north are we asking for women's rights in the constitution. Only the Kurdish parties are asking for women's rights. Women in the south are not asking for their rights. Or maybe they want their rights, but they can't ask because of pressure from men. In Sulaymaniyah, we faced opposition to women's rights but the women's movement' fought for them'.

*Nadje Al-Ali and Nicola Pratt, 'Between Nationalism and Women's Rights: The Kurdish Women's Movement in Iraq' (2011) 4 *East Journal of Culture and Communication* (2011) 339–355, 351.

⁴ Marian Sawyer, Melissa Haussman and Jill Vickers (eds), 'Conclusion' *Federalism, Feminism and Multilevel Governance* (Ashgate, 2010) 229-238, 234.

⁵ Antonio Hernandez, 'Judicial Federalism and the Protection of Fundamental Rights in Argentina' (2009-2010) 41 *Rutgers Law Journal* 907-931, 928.

In another example of federal advantage the greater protection of rights in a subnational unit can serve as a model for other jurisdictions. For example, following German re-unification in 1990, all German eastern states adopted versions of western states' equality laws and equality machinery.⁶ In another example the *Constitution for the City of Buenos Aires* 1996 provides for a range of gender-specific rights not included in the national constitution. Article 21 (4)-(5) requires the promotion of 'responsible maternity and paternity' by placing 'at the disposition of the people: education, methods, and services that guarantee their reproductive rights'.⁷ Article 24 provides that the city of Buenos Aires must ensure and finance 'education that is public, provided by the state, non-religious, and free of charge' with 'gender perspectives' and incorporate programs on human rights and sex education issues.⁸

Federal disadvantage can also occur, however, when subnational units are left to determine whether and which rights they protect, and do not prioritize women's rights. An underlying rationale of federal systems is that local communities should determine the definition of and exercise of rights in their communities. Some rights, however, for example reproductive rights, the right to a life free from violence and the right to own land and property, are often hard to realize at the subnational level if not entrenched in the national constitution.⁹ Additionally, although federal systems enable subnational units to offer a greater protection of rights than the national constitution, this may result in inconsistent protection of rights across the country.

The process of federalization or constitutional reform may provide a federal advantage for rights protection.¹⁰ New federations are more likely to have constitutions with *CEDAW*-compliant protection of rights. For example, in Nepal the new constitution drafted during the shift to a federal system contains a powerful equality and non-discrimination provision and also protects a range of gender-specific rights, including: the equal right to lineage without any gender discriminations; the right relating to safe motherhood and reproductive health; a prohibition on physical, mental, sexual or psychological or any other kind of violence against women, or any kind of oppression based on religious, social and cultural tradition, and other practices; the right to access and participate in all state structures and bodies on the basis of the principle of proportional inclusion; and the right to special opportunity in the spheres of education, health, employment and social security on the basis of positive discrimination.¹¹

Finally, finding ways of involving men in rights protection reform initiatives is important and

⁶ Sabine Lang, 'Gender Governance in Post-unification Germany: Between Institutionalization, Deregulation and Privatization' in Johanna Kantola and Joyce Outshoorn (eds) *CHANGING STATE FEMINISM* (Palgrave-Macmillan, 2007) 124-143, 127.

⁷ *Constitution of the City of Buenos Aires* 1996, Article 11.

⁸ Maria Flores, 'Women's Human Rights in the Framework of Argentine Domestic Law: Treatment since the Return to Democracy' (1999) 7(2) *American University Journal of Gender, Social Policy and the Law* 335- 341, 338.

⁹ Laura Macdonald and Lisa Nicole Mills, 'Gender, Democracy and Federalism in Mexico: Implications for Reproductive Rights and Social Policy' in Marian Sawyer, Melissa Haussman and Jill Vickers (eds) *Federalism, Feminism and Multilevel Governance* (Ashgate, 2010) 187-199.

¹⁰ Drusilla Scribner and Priscilla Lambert, 'Constitutionalizing Difference: A Case Study Analysis of Gender Provisions in Botswana and South Africa' (2010) 6(1) *Politics and Gender* 37 – 61, 37.

¹¹ *Constitution of Nepal* 2015.

potentially fruitful. For example, in Rwanda the enactment of the *Law on the Prevention and Punishment of Gender-Based Violence 2009* involved significant male participation both at the community and parliamentary levels.¹² Although involving men as allies is important in both unitary and federal countries, given the increased number of men in public office in federal countries, their support is even more critical for achieving rights protection reform.

2.4 FEDERAL ADVANTAGES AND FEDERAL DISADVANTAGES: PROTECTION OF RIGHTS

2.4.1 INCORPORATING HUMAN RIGHTS CONVENTIONS

Human rights conventions become part of national legal systems in federal and unitary countries in two ways. In some countries, conventions are self-executing. This means they automatically become part of the national law upon ratification or accession (this is known as the 'monist' approach and is often found in civil law countries). In other countries incorporation is not automatic and must be achieved either through legislation or through the constitution (this is known as the 'dualist' approach and is more often found in common law countries).

The incorporation of human rights conventions, particularly *CEDAW*, into national legal systems is important in both federal and unitary countries for the protection and advancement of women's rights. It enables conventions to be directly applied in the courts both to enforce rights in areas where there is no national law and to assist in interpreting existing law in line with the international standards. It is also important in shaping policy and guiding the enactment of new laws and the amendment of existing law to accord with the gender equality standards in *CEDAW* and other conventions. An important and certain way of ensuring that conventions are incorporated into national legal frameworks is to include a provision in the constitution that clearly declares they are part of national law.¹⁵ In a dualist unitary country if human rights conventions are not incorporated then there is no avenue for their application in the national legal system. In a federal dualist country, however - in a federal

Federal Advantage Example

City of Salta (Argentina)

Salta is a conservative city in Argentina, with a poor and marginalized community, which has become a strategic litigation site for the women's movement.¹³ In an example of federal advantage, a progressive central government was able to influence a Catholic dominated conservative subnational unit through a series of progressive litigation successes. This included securing women's right to work as bus drivers in the city in 2007 and culminating with the end of religious education in private schools in 2017. The federal system enabled local representatives of three federal institutions including the Office of the Public Defender, the National Institute against Discrimination, Xenophobia and Racism, and the Women's Commission, which were not influenced by local opposition and power elites, to support the litigation.¹⁴

¹² Katie Carlson and Shirley Randell, 'Gender and Development: Working with Men for Gender Equality in Rwanda' (2017) 27(1) *Agenda* 114-125.

¹³ Women's International League for Peace and Freedom, Women, Peace and Security. Joint Shadow Report to the CEDAW Committee, 2017, 2. < https://www.wilpf.org/wp-content/uploads/2017/06/Nigeria_CEDAW_FINAL_June_2017.pdf >

¹⁴ Alba Ruibal, 'Federalism and Sub-National Legal Mobilization. Feminist Litigation Strategies in Salta, Argentina' (2018) 52(4) *Law and Society Review* 928-959, 942, 943.

¹⁵ Tsegaye Regassa, 'Sub-National Constitutions in Ethiopia: Towards Entrenching Constitutionalism at State Level' (2009) 3 (1) *Mizan Law Review* 33- 69, 45.

advantage - even if human rights conventions are not incorporated into the national constitution, subnational units may be able to independently incorporate human rights conventions.

2.4.2 RIGHT TO EQUALITY AND NON-DISCRIMINATION

Equality and non-discrimination are core principles in all human rights conventions. As well as meeting international obligations, including a right to sex and gender equality and prohibiting discrimination in the national constitutions of both federal and unitary countries provides powerful protection of women's rights. As rights are fundamentally indivisible, interrelated, and interdependent, strongly drafted provisions for equality and non-discrimination provide a high standard for other fundamental rights and freedoms to be measured against and with which all national laws must comply.

In federal countries, a *CEDAW*-compliant right to equality and non-discrimination is critical to ensuring country-wide protection of rights for women. Although both the *ICCPR* and the *ICESCR* require the prohibition of discrimination on the basis of sex and a guarantee to women and men of equality in the enjoyment of the rights they protect, the definitions and standards of equality and discrimination in *CEDAW* go much further.

Incorporation – Advantage or Disadvantage?

Nigeria

Nigeria is a dualist country and therefore human rights conventions must be incorporated through the constitution or legislation. The *Constitution of Nigeria 1999* does not however incorporate conventions and therefore for human rights norms to be relevant in the subnational units they must be adopted individually. In an example of federal disadvantage an attempt to enact a national women's right's law failed in 2006 in the Senate, which is dominated by subnational unit representatives, who were opposed to many of the principles of *CEDAW*.¹⁶ However, in an example of federal advantage the Federal Capital Territory of Abuja has incorporated human rights conventions despite the failure of the national constitution to do so.

The standards set by *CEDAW* include, firstly, a right to formal equality. Formal equality treats women and men as alike and deserving of equal and similar treatment. An example of formal equality is providing the right to vote to both men and women. The phrase 'equality before the law' and/or 'the equal protection of the law' often appears in constitutions guaranteeing formal equality. Secondly, *CEDAW* requires that a guarantee of equality must extend beyond a right to formal equality to a right to substantive

equality, which it defines as the practical realization of equality.¹⁷ The concept of substantive equality recognizes that formal equality can produce unequal results where similar treatment is offered to persons who are not similarly situated, and that more is required to achieve the practical realization of equality. For example, an equal right to stand for parliament is an important formal equality measure. However, despite such rights existing for many years, the number of women in parliament is only 24.5 percent globally.¹⁸ Constitutions can guarantee a right to substantive equality through the use of language such

¹⁶ Inter Parliamentary Union, Rankings as at October 1 2019. <<http://archive.ipu.org/wmn-e/world.htm>>

¹⁷ Rikki Holtmaat, 'CEDAW: A Holistic Approach to Women's Equality and Freedom' in Anne Hellum and Henriette Sinding-Assen (eds) *Women's Human Rights: CEDAW in International, Regional and National Law* (Cambridge University Press, 2013) 95-123, 103.

¹⁸ Christine Forster, *Global Good Practices in Advancing Gender Equality and Women's Empowerment in Constitutions* (UNDP, 2016) 8.

as 'equal enjoyment of rights' or 'equality in practice'. Thirdly, *CEDAW* also requires that a positive obligation is placed on the state to achieve substantive equality.¹⁹ Placing such a duty recognizes that structural and institutional change requires not just individuals seeking to enforce their constitutional rights but also concrete and active steps by the state to: enact and implement legislation; develop and implement policies; develop and execute national plans; and launch education initiatives and media campaigns.

South Africa	
Constitution	Comment
<p>Constitution of the Republic of South Africa 1996 s 9(1). Everyone is equal before the law and has the right to equal protection and benefit of the law. (2). Equality includes the full and equal enjoyment of all rights and freedoms.</p>	<p>s 9(1) guarantees both formal and substantive equality. It does not, however, place a mandate on the state to achieve it. Incorporating a strong guarantee of sex and gender equality in national constitutions ensures country-wide protection in a federal system.</p>

As well as a strong guarantee of equality, *CEDAW* also requires a comprehensive prohibition of sex and gender discrimination including both direct and indirect discrimination.²⁰ Direct discrimination occurs when a difference in law, policy or programme is directly based on sex or gender. A law that provides unequal or no inheritance rights to women is an example of direct discrimination. Indirect discrimination occurs when a law, policy or programme does not appear to be discriminatory but has a discriminatory effect in practice.²¹ This can occur, for example, when women are disadvantaged compared to men due to pre-existing inequalities, such as a minimum height requirement of six feet or requiring that all employees are available to work at night. Discrimination protection should also recognize the compounding effect of multiple forms of discrimination. Women experience discrimination because of their sex and gender, but many women also face discrimination because of other unique aspects of their social identity — for example, their race, disability, marital status, HIV or health status, religion, gender identity or sexual orientation. When sex and gender intersect with other forms of discrimination, the discrimination may be heightened, causing negative and cumulative effects and sometimes resulting in new or magnified forms of discrimination.²² The inclusion of a non-exhaustive list of grounds of prohibited discrimination, which invite the recognition of further grounds of discrimination not explicitly named, are important to ensure that hidden or underlying grounds of discrimination can be recognized and addressed as required. Finally, *CEDAW* requires, uniquely, that a prohibition on discrimination applies not only to the state and its state representatives but also to any person, organization or enterprise.²³

¹⁹ Rikki Holtmaat, 'CEDAW: A Holistic Approach to Women's Equality and Freedom' in Anne Hellum and Henriette Sinding-Assen (eds) *Women's Human Rights: CEDAW in International, Regional and National Law* (Cambridge University Press, 2013) 95-123, 103.

²⁰ Christine Forster, *Global Good Practices in Advancing Gender Equality and Women's Empowerment in Constitutions* (UNDP, 2016) 8.

²¹ *Ibid.*

²² *Ibid.* 9.

²³ *CEDAW*, above n 17, Article 2(b).

A constitutional prohibition on discrimination will have limited effect if there is no means for those who have had their rights breached to lodge a complaint and seek a remedy. A complaints process, which includes a range of penalties and enforcement measures, plays an important role in deterring both public and private persons and institutions from future acts of discrimination, either by requiring them to pay compensation or through orders preventing them from committing future breaches. Although the detail of a complaints process may be left to other legislation, it is important that the constitution provides authority for its establishment.²⁴ In a federal country if complaints processes are designated to the subnational level to manage, the resources required may be prohibitive and may result in inconsistent levels of remedies throughout the nation.²⁵

CEDAW additionally requires that temporary special measures (also known as affirmative action) are deployed by countries to advance women’s integration into education, the economy and employment, to provide equal opportunities for women to represent their governments internationally and to encourage the equal participation of women in all aspects of public life. Affirmative action recognizes that guaranteeing formal equality is not sufficient to achieve women’s substantive equality with men, and that their application can be a crucial short-term strategy to overcome the effect of historical discrimination and immediately accelerate the achievement of substantive equality for women.²⁶

Kenya

Constitution	Comment
<p>Constitution of Kenya, 2010</p> <p>27(4). The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.</p> <p>(5). A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).</p>	<p>s 27(4) prohibits direct and indirect discrimination on the ground of sex, s 27(5) with the word ‘contemplated’ invites the recognition of other grounds not listed in s 27(4). It also prohibits both the state and individual persons from discriminating. Incorporating a strong prohibition of sex and gender discrimination in national constitutions ensures country-wide protection in a federal or decentralized system.</p>

Incorporating authority for the use of affirmative action in a national constitution in a federal country may assist in ensuring the protection of rights country-wide. Indeed, a number of federal countries

²⁴ Christine Forster and Vedna Jivan, *Gender Equality Laws: Global Good Practice and a Review of Five Southeast Asian Countries* (UNIFEM, 2009) 1-188, 131-139.

²⁵ Laura A. Henry, ‘Complaint-making as Political Participation in Contemporary Russia’ (2012) 45(3-4) *Communist and Post-Communist Studies* 243-254, 246.

²⁶ Asian Development Bank, *Guidance Note: Gender and Law. Temporary Special Measures to Promote Gender Equality* 2012. <<http://www.adb.org/documents/guidance-note-gender-and-law-temporary-special-measures-promote-gender-equality>>

do have affirmative action provisions, although they are underutilized. If not authorized in a national constitution, subnational units may, in a federal advantage, be able to implement their own programs.

The equality and non-discrimination standards set by *CEDAW*, however, are often not reflected in global constitutions, whether federal or unitary. If a country is moving towards a federal system and drafting a constitution as part of that shift, or undergoing constitutional reform, or if subnational constitutions are being drafted, this is an important opportunity to advocate for and support the introduction of *CEDAW*-compliant equality and non-discrimination provisions.²⁷ In an example of federal advantage in Canada, during the process of drafting the *Charter of Freedoms and Rights* 1982, a coalition of feminist politicians, in collaboration with legal scholars and activists, crafted an alternate stronger equality provision for the Charter, which was adopted. Ultimately, that version of the Charter's equality provision was instrumental in producing future gains for women, including decriminalizing abortion and legalising same-sex marriage.²⁸

Constitutional Comparisons		
Ethiopia	India	Nepal
<p>Constitution of the Federal Republic of Ethiopia 1994</p> <p>Article 35(3). The historical legacy of inequality and discrimination suffered by women in Ethiopia taken into account, women, in order to remedy this legacy, are entitled to affirmative measures. The purpose of such measures shall be to provide special attention to women so as to enable them to compete and participate on the basis of equality with men in political, social and economic life as well as in public and private institutions.</p>	<p>Constitution of India 1950. Article 15(3)</p> <p>Nothing in this article shall prevent the State from making any special provision for women and children.</p>	<p>Constitution of Nepal 2015.</p> <p>Article 18. Provided that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally.</p>

²⁷ Jill Vickers, 'Is Federalism Gendered? Incorporating Gender into Studies of Federalism' (2013) 43(1) *Publius. The Journal of Federalism* 1-23, 8.

²⁸ *Ibid.*

2.4.3 REPRODUCTIVE RIGHTS

Reproductive rights are applicable to both men and women. However, reproductive rights focus on experiences (conception, pregnancy, childbirth) that affect women more directly than they affect men.²⁹ Gender-specific reproductive rights include the right to legal and safe abortion; the right to birth control; freedom from coerced sterilization and contraception; the right to access good-quality reproductive healthcare; and the right to education and information about reproductive rights and choices in order to make free and informed reproductive choices.

Reproductive rights are essential to gender equality because they enable women to have control over whether and when they have children, how many children they have, and help to protect them from sexually transmitted infections, maternal deaths, and from giving birth at a young age. Importantly, the work of reproduction does not end for women with childbirth. Women globally perform all or most childcare tasks, clean and maintain the family home, prepare the family's food, and nurse family members when they become sick. Even when women work outside the home, they continue to perform far more of this work than men.³⁰

'Policy Transfer' Example

Argentina

In Argentina, despite extensive lobbying by feminists and sympathetic allies in the Ministry of Health, a law creating a national reproductive health program – providing, amongst other things, access to birth control – faced substantial resistance in the Senate after being passed in the lower house. Subsequently, numerous subnational legislatures adopted their own laws addressing sexual health and reproduction. Eventually, in an example of policy transfer, a national law was passed in 2006. Many gender equality experts argue it was because the reforms in the subnational units created momentum, and because the pioneering and innovative sexual health policy adopted by the legislature of the City of Buenos Aires was so successful that the national law was eventually enacted.

* Susan Franceschet, 'Gender Policy and State Architecture in Latin America' (2011) 7(2) *Politics and Gender* 273-279, 276

In federal countries country-wide protection of reproductive rights is critical. However, reproductive rights and specifically women's reproductive rights are rarely enshrined in constitutions in both unitary and federal countries. Rather they are determined, if at all, through legislation. Two federal countries, South Africa and Nepal, provide exceptions.

While ensuring the recognition of the right to access contraception and information about reproductive health and choices can be challenging in some countries, it is the right to a safe legal abortion that has proven most controversial in both unitary and federal countries.³¹ Denying abortions to women forces them to become mothers, requiring them to perform nine months of reproductive work, suffer

²⁹ Vijayan Pillai and Guang-Shen Wang. *Women's Reproductive Rights in Developing Countries*. (Routledge, 2018).

³⁰ Jane Parpart and Sharon Stichter, (eds) *Women, Employment and the Family in the International Division of Labour* (Springer, 2016) 3-9.

³¹ Barbara J. Stark, 'The Women's Convention, Reproductive Rights, and the Reproduction of Gender' (2011) 18(2) *Duke Journal of Gender Law and Policy* 261-304.

pain, and assume the risks of childbirth.³² Abortion laws have been gradually liberalized and decriminalized world-wide, although approximately 25 percent of the world’s population still live in countries with highly restrictive abortion laws, mostly in Latin America, Africa and Asia.³³

The link between the criminalization of abortion, maternal mortality and maternal morbidity has been established by research which indicates that most deaths from unsafe abortions occur in countries where abortion is severely restricted by law.³⁴ Additionally, research has shown that when a mother dies (including as a result of an unsafe abortion) in some regions, her surviving children are more likely to die than survive - and if they do survive, motherless children receive less health care and education in their formative years.³⁵ Thus, the failure to decriminalize abortion and to provide safe accessible facilities for women who require abortions endangers their health and also that of any child born after a failed abortion.

In federal countries, the abortion landscape is complex. While there are examples of federal systems providing opportunities for the decriminalization of abortion there are also examples of them hindering and frustrating that process. Federal governance mechanisms and external factors may determine the capacity of a federal system to foster reform. Governance mechanisms include, for example, whether the power to regulate abortion is a central power or a subnational power and whether funding for abortion services is provided centrally or by the subnational units. The outcomes can also differ because of factors that are external to the model of governance. For example, in Catholic-dominated countries opposition to decriminalizing abortion is strong (such as Mexico, Brazil and Argentina), while in less religious countries (Canada and Australia) although there is opposition on moral (largely Christian) grounds, this has been a minority voice rather than a majority one.

In an example of federal advantage the decriminalization of abortion throughout Australia has been assisted by the federal system which allocates the power to regulate abortion to subnational units.

Good Practice Examples	
South Africa	Nepal
<i>Constitution of South Africa 1995</i> s 12(2) Everyone has the right to bodily and psychological integrity, which includes the right: (a) to make decisions concerning reproduction; (b) to security in and control over their body; and (c) not to be subjected to medical or scientific experiments without their informed consent.	<i>Constitution of Nepal 2015</i> Article 38(2) Every woman shall have the right relating to safe motherhood and reproductive health.

³² Mala Htun and S. Laurel Weldon, ‘When Do Governments Promote Women’s Rights? A Framework for the Comparative Analysis of Sex Equality Policy’ (2010) 8(1) *Perspectives on Politics* 207-216, 210.

³³ Women on Waves, *Abortion Laws Worldwide*. <<http://www.womenonwaves.org/set-158-en.html>>

³⁴ WHO, *Safe Abortion: Technical and Policy Guidance for Health Systems* (Geneva: WHO, 2003) 83.

³⁵ Corrina Moucheraud, Alemayehu Worku, Mitike Molla, Jocelyn E Finlay, Jennifer Leaning and Alicia Ely Yamin, ‘Consequences of Maternal Mortality on Infant and Child Survival: A 25-Year Longitudinal Analysis in Butajira Ethiopia (1987-2011)’ (2015) 12(1) *Reproductive Health* 1-8, 3; Brian Houle, Samuel J Clark, Kathleen Kahn, Stephen Tollman and Alicia Ely Yamin, ‘The Impacts of Maternal Mortality and Cause of Death on Children’s Risk of Dying in Rural South Africa: Evidence from a Population Based Surveillance Study (1992-2013)’ (2015) 12(1) *Reproductive Health* 1-9, 3.

Since the central government has been led by the conservative coalition for most of the past 20 years, it might have been difficult to achieve decriminalization if the power to legislate was centrally held. However, the women's movement and its allies have targeted receptive subnational units to achieve reform and used its success to foster and encourage reform in other subnational units. Decriminalization began with innovative reforms in two subnational units.³⁶ Gradually, other units followed, in some instances mirroring those reforms, even in conservative units.³⁷ Research indicated, helpfully, that in subnational units where abortion was decriminalized the rate of abortion declined (rather than increased) satisfying conservative opponents. In 2019, the final subnational unit, New South Wales decriminalized abortion, despite a subnational government led by a conservative party.³⁸ This example represents the benefits that federalism offers to harness policy transfer, forum shopping and multiple access points for rights protection reform.

Switzerland, by contrast, provides an example that could be characterized as a federal disadvantage since it has led to inconsistency and the ability of some subnational units to impose restrictive approaches to abortion.³⁹ In Switzerland, where the power to regulate abortion is shared, abortion was prohibited, except for medical reasons, until 2002 when a federal law was enacted which provided that abortion was lawful until 12 weeks of pregnancy upon request by a pregnant woman after a detailed consultation with a medical practitioner and 'appropriate' counselling.⁴⁰ After 12 weeks the law states that abortion is available only if 'necessary in order to be able to prevent the pregnant woman from sustaining serious physical injury or serious psychological distress'. The law for abortions after 12 weeks has been interpreted differently by the subnational cantons, leading to permissive regimes in some of the cantons and very restrictive regimes in other cantons.⁴¹

In another example of federal disadvantage Mexico became the first country in Catholic Latin America to legalize a woman's right to have an abortion within the first 12 weeks of pregnancy, by enacting a federal law. However, like Switzerland, Mexican sub-national units have the power to develop their own criminal laws, and 18 of 31 subnational units have criminalized abortion in all cases even if a woman's life is at risk.³⁸ Some subnational units even amended their constitutions, adding provisions stating that life begins at conception, making future liberalizing reforms much harder to achieve.⁴³

Canada provides an example of both federal advantage and federal disadvantage. Abortion was

³⁶ *Crimes (Abolition of Offence of Abortion) Act 2002 (ACT); Health Act 1993 (ACT); Abortion Law Reform Act 2008 (Victoria).*

³⁷ Christine Forster and Vedna Jivan, 'Abortion Law in NSW: Shifting from Criminalization to the Reproductive Rights of Women and Girls' (2017) 24 *Journal of Law and Medicine* 850-863; Kerry Peterson 'Abortion Laws: Criminalization and Decriminalization' in Ian Freckleton (ed) *Tensions and Trauma in Health Law* (Federation Press, 2017) 657-670.

³⁸ *Reproductive Health Care Reform Act 2019 (NSW).*

³⁹ *Ibid.*

⁴⁰ *Swiss Penal Code 1937, Article 119.*

⁴¹ Annette Hofmann, Julia K. Neumann and Peter Zweifel, *Camouflage and Ballooning in Health Insurance: Evidence from Abortion* (2016) 1-28, 1. <http://egrie2016.ucy.ac.cy/wp-content/uploads/2016/09/54_Hofmann_Neumann_2016-07-20.pdf>

⁴² Debora Lopreite, 'Explaining Policy Outcomes in Federal Contexts: The Politics of Reproductive Rights in Argentina and Mexico' (2014) 33(4) *Bulletin of Latin American Research* 389-404, 390.

⁴³ *Ibid*

decriminalized by the Supreme Court of Canada in 1988.⁴⁴ The majority ruled that the existing *Criminal Code* 1985 provisions restricting abortion were so onerous that they violated section 7 of the *Charter of Rights and Freedoms* 1982 (life, liberty, and security of the person) and were not a reasonable limit under section 1 (which states that rights and freedoms are subject to reasonable limits that are 'demonstrably justified in a free and democratic society'). While a conservative federal government attempted to enact new legislation to re-impose restrictions on abortion it failed, as did other legislative attempts to declare a right to abortion.⁴⁵ Ultimately by not enacting new legislation prohibiting or restricting abortion, it remains unfettered representing the most progressive legal approach to abortion globally. However, in an example of federal disadvantage the legislative framework is, to some extent, frustrated by the (decentralized) allocation of the power to provide abortion services to the subnational units. Some conservative subnational units have not compelled hospitals and clinics to provide abortion services and provided only restricted funding. Women's access to abortion services remains extremely uneven across the country as a result.⁴⁶ The disjuncture between the legislative framework which decriminalizes abortion (deployed centrally) and the failure of some subnational units to properly fund abortion services illustrates a problematic feature of federalism if the two powers are not aligned. Consequently, working class and poorer women may have less reproductive rights than more affluent women who can afford to go elsewhere to access services.⁴⁷

Finally, in the United States in another example of both federal advantage and federal disadvantage the regulation of abortion is the responsibility of subnational units. A variety of both progressive and restrictive regimes were in place across the country when the 1973 case of *Roe v. Wade*⁴⁸ was heard in the Supreme Court. The court ruled that the right to privacy in the *Constitution of the United States* 1788 protects a pregnant woman's liberty to choose to have an abortion without excessive government restriction. The court adopted a trimester system finding a woman could choose abortion in the first trimester without restriction, in the second trimester reasonable regulation by the state was permitted and in the third trimester the state may regulate to protect the life of the fetus, although not if abortion was required to protect the life or health of the mother. The court decision struck down many overly restrictive state and federal abortion laws that did not comply with their ruling. Recently, however a number of conservative judges have been appointed to the Supreme Court and many subnational units, have, in an example of federal disadvantage, seen this as an opportunity to enact restrictive abortion laws which conflict with *Roe v Wade*. In Alabama for example, the *Alabama Human Life Protection Act* (HB 314) 1 was enacted on May 16, 2019. It bans abortion except for cases of medical emergency including pregnancy resulting from sexual assault. A doctor performing an abortion is criminalized with a penalty of up to 99 years imprisonment.⁴⁹ The Alabama legislation has been ruled unlawful in the District Court and a preliminary injunction issued however it will likely go on to the Supreme Court where many anticipate *Roe*

⁴⁴ *R. v. Morgentaler* [1988] 1 SCR 30.

⁴⁵ Margaret Burnett, Kelcey Winchar and Adelia Yu, 'A History of Women's Reproductive Rights in Canada' (2019) 41(5) *Journal of Obstetrics and Gynaecology Canada* 713.

⁴⁶ Linda A. White, 'Federalism and Equality Rights Implementation in Canada' (2013) 44(1) *Publius. The Journal of Federalism* 157-182.

⁴⁷ Htun and Weldon, above n 32, 210; Dorothy Shaw and Wendy V. Norman, 'When there are No Abortion Laws: A Case Study of Canada' (2020) 62 *Best Practice and Research Clinical Obstetrics and Gynaecology* 49-62.

⁴⁸ 410 U.S. 113 (1973).

⁴⁹ Courtney Andrews, 'Alabama's Abortion Law Is Not About Protecting Life' (2019) 11(1-2) *Anthropology Now* 85-89.

v Wade will be overturned.⁵⁰ A small number of states have, however, in an example of federal advantage, legislatively protected abortion (for example New York).⁵¹

2.4.4 RIGHT TO OWN LAND AND PROPERTY

Gender inequality is present in all systems of land and property ownership in both federal and unitary countries. Women are much less likely to have their name on land titles and other movable property such as businesses, equipment, furniture and capital particularly in developing countries.⁵² However, the control and ownership of land and property by women, especially in rural areas, is critical to their livelihoods, food security, adequate housing⁵³ economic independence and physical security.⁵⁴

Good Practice Examples:	
Ethiopia	Nepal
<p><i>Constitution of the Federal Democratic Republic of Ethiopia 1994</i>, Article 35(7).</p> <p>Women have the right to acquire, administer, control, use and transfer property. In particular, they have equal rights with men with respect to use, transfer, administration and control of land.</p>	<p><i>Constitution of Nepal 2015</i>, Article 6.</p> <p>Both the spouses shall have equal rights in property and family affairs.</p>

A guarantee of women’s equal right to own, manage, enjoy and dispose of property and land both within marriage and outside marriage in a national constitution provides important protection for women. In federal countries, this is important to ensure that subnational units recognize the right to equality in land ownership. However, in an example of ‘federal disadvantage,’ it is rare for national constitutions to include such a guarantee. This is coupled with the power to regulate land ownership and management typically allocated to subnational units where local (male) elites often control decision-making and management of land and property.⁵⁵

⁵⁰ Amanda Guindon, ‘Alabama’s Abortion Ban Has Been Blocked for Now.’ 4 *The Comment*, (Bridgewater State University, November 7, 2019). <<https://vc.bridgew.edu/cgi/viewcontent.cgi?article=1630&context=comment>>

⁵¹ *Reproductive Health Act 2019* (NY).

⁵² Taiwo Ajala, ‘Gender Discrimination in Land Ownership and the Alleviation of Women’s Poverty in Nigeria: A Call for New Equities’ (2017) 17(1) *International Journal of Discrimination and the Law* 51-66.

⁵³ *Ibid* 2.

⁵⁴ UN Women, *Realizing Women’s Right to Land and Other Productive Resources* (UN Women, 2013).

⁵⁵ Tom Lavers, ‘Land Registration and Gender Equality in Ethiopia: How State–Society Relations Influence the Enforcement of Institutional Change’ (2017) 17(1) *Journal of Agrarian Change* 188-207; Caitlan Kieran, Kathryn Sproule, Cheryl Doss, Agnes Quisumbing and Sung Mi Kim, ‘Examining Gender Inequalities in Land Rights Indicators in Asia’(2015) 46(1) *Agricultural Economics* 119-138; Shiba Rijal Prasad, ‘Female Ownership of Fixed Assets in Nepal: A Regional Perspective’(2017) 17 *The Third Pole: Journal of Geography Education* 73-82.

2.4.5 RIGHT TO EQUALITY IN EDUCATION

Education enables women and girls to realize their potential and overcome historic disadvantage in the economic, political and social arenas.⁵⁶ Educated women are healthier, more often in paid employment, have fewer children and provide better care and education to their children.⁵⁷ However, discrimination against girls and women in education persists, with resultant gender gaps, and the importance of protecting their right to equality in education is paramount.⁵⁸

The *ICESCR* requires a guarantee of the right to education, but few national constitutions include a right to education. Nepal provides a right 'to compulsory and free basic education, and free education up to the secondary level'.⁵⁹ *CEDAW* additionally requires that sex and gender equality in education be guaranteed. A number of federal countries do prohibit sex discrimination in education, and this has provided important country-wide protection. This is of particular importance in federal systems because the power to regulate educational standards and curricula, to establish schools and to fund the delivery of education is often allocated to subnational units. This can offer a federal advantage enabling subnational units to meet the particular needs of local girls and women,⁶⁰ or enabling policy transfer of innovative educational initiatives. For example, in the United States, during the Obama administration the 'Race to the Top' program run by the federal Education Department offered substantial (competitive) grants to subnational units that supported educational innovation and reforms.⁶¹ Other gender equality experts argue, however, that the decentralization of education may create a federal disadvantage as subnational units may not prioritize the right to gender equality in educational delivery.⁶² Federal sex discrimination protection in education can assist in ensuring that subnational units meet a standard of equality in their delivery of education.

In the United States, for example, educational delivery, regulation, and funding is allocated to the subnational units with a limited federal role.⁶³ This has created some inconsistency and inequitable disparity in the delivery of education to women and girls.⁶⁴ However, the *Civil Rights Act* 1964 provides 'no person in the United States on the basis of sex can be excluded from participating in or be denied the

⁵⁶ Mike Cole, *Education, Equality and Human Rights: Issues of Gender, 'Race', Sexuality, Disability and Social Class* (Routledge, 2017); Simon Moses Schleimer, 'Education and Gender Equality: A Case Study of Muslim Female Students in Malaysia' (2016). <http://eprints.usm.my/31344/1/Simon_Moses_Schleimer.pdf>

⁵⁷ Gene Sperling and Rebecca Winthrop, *What Works in Girls' Education: Evidence for the World's Best Investment*. (Brookings Institution Press, 2015); Rachel Heath and Seema Jayachandran, *The Causes and Consequences of Increased Female Education and Labor Force Participation in Developing Countries* (National Bureau of Economic Research, 2016) 9, 19, 11; Murat Kirdar, Meltem Dayioğlu and Ismet Koc. *Does Longer Compulsory Education Equalize Schooling by Gender and Rural/Urban Residence?* (The World Bank, 2015).

⁵⁸ Gudrun Østby, Henrik Urdal, and Ida Rudolfson. 'What is Driving Gender Equality in Secondary Education? Evidence from 57 Developing Countries, 1970–2010' (2016) *Education Research International* 1- 18, 2; Marlene Kollmayer, Barbara Schober and Christiane Spiel, 'Gender Stereotypes in Education: Development, Consequences, and Interventions' (2018) 15(4) *European Journal of Developmental Psychology* 361-377.

⁵⁹ *Constitution of Nepal* 2015, Article 31.

⁶⁰ Christine Forster, *Advancing Gender Equality Within a Federal Governance Model in Myanmar* (UN Women, 2017) 40.

⁶¹ Martin Kurzweil, 'Disciplined Devolution and the New Education Federalism' (2015) 103 *California Law Review* 565.602, 603.

⁶² Kamina Aliya Pinder, 'Federal Demand and Local Choice: Safeguarding the Notion of Federalism in Education Law and Policy' (2010) 39 *Journal of Law and Education* 1-36.

⁶³ Shep Melnick, *The Transformation of Title IX: Regulating Gender Equality in Education* (Brookings Institution Press, 2018) 15, 19

⁶⁴ Kimberley Robinson, 'The High Cost of Education Federalism' (2013) 48 *Wake Forest Law Review* 287-332.

benefit of or be subject to discrimination under any educational program or activity receiving federal financial assistance'.⁶⁵ As most schools and universities do receive some federal funding this has provided some protection against sex discrimination in education.⁶⁶

2.5 CONCLUSION

This section examined the relevance and importance of the protection of rights to the advancement of gender equality. It explored the relationship between federal systems and rights protection. It identified the importance of constitutional guarantees of universal rights and freedoms, of the gender dimensions of those universal rights and of gender-specific rights in federal systems. Rights protections in national constitutions set minimum standards for subnational units, which obligate them to recognize and implement rights protection. Importantly this section identified and analyzed the federal advantages in the form of policy transfers, forum shopping, and the ability to lobby subnational units to provide greater rights protection than national constitutions. It also considered the federal disadvantage created when the power to determine rights is allocated to conservative subnational units who do not prioritize women's rights. It highlighted the importance of national sex discrimination protections that obligate subnational units to protect and deliver rights to women.

The section concluded that in older federations rights protection might be harder to achieve. However, if there is a proposal for constitutional reform, or if a new federation is in the process of establishment, this creates a significant opportunity for the women's movement and their allies to advocate for strong equality and non-discrimination provisions, the insertion of gender specific rights such as reproductive rights in to constitutions, and for the inclusion of targeted equality guarantees into universal rights (for example a right to equality in education, rather than merely a right to education).

⁶⁵ *Civil Rights Act 1964* (US), Title IX.

⁶⁶ Melnick, above n 63. Katherine Baker, 'Sex Equality, Gender Injury, Title IX and Women's Education' *Research Handbook on Feminist Jurisprudence*. (Edward Elgar Publishing, 2019).

SERVICE DELIVERY

This section: firstly overviews the importance of service delivery to the advancement of gender equality (3.2); secondly, outlines the relationship, in general terms, between federalism and services delivery (3.3); and thirdly, sets out, using comparative examples, the federal advantages and federal disadvantages of ensuring the equitable delivery of services to women.



Introduction	3.1	
Service Delivery and Gender Equality	3.2	◇
Federalism and Service Delivery	3.3	◇
Federal Advantages and Federal Disadvantages	3.4	◇
Innovation and Policy Transfer	3.4.1	
Enhanced Participation	3.4.2	
Close to the Community	3.4.3	
Forum Shopping	3.4.4	
Fiscal Support	3.4.5	
Consistency	3.4.6	
Corruption and Patronage	3.4.7	
Conclusion	3.5	◇

SERVICE DELIVERY

3.1 INTRODUCTION

Service delivery, for example of education, healthcare and public goods and services, is closely connected to gender equality and the well-being of women. Although women rely on the delivery of services in all aspects of their lives, globally women access services at a much lower rate than men,¹ are much less able to afford services than men,² and receive a reduced quality of service when they do.³

Decentralization of services to subnational and local levels of governance is common in federal countries but also in unitary countries, and therefore in this section some select examples from unitary countries are included where relevant. According to some gender equality experts, decentralization creates opportunities for the enhancement of service delivery resulting in gains for women. This is because subnational units, particularly those located at the local levels close to the communities they serve, are better able to understand the needs of women.⁴ Other gender equality experts argue, however, that decentralization, which has a mixed record on the delivery of equitable, affordable, accessible services,⁵ fragments the women's movement reducing its ability to lobby for reform,⁶ and leads to the inconsistent delivery of services, particularly if fiscal support is inadequate⁷ or if corruption and patronage are unchecked.

This section: firstly overviews the importance of service delivery to the advancement of gender equality (3.2); secondly, outlines the relationship, in general terms, between federalism and services delivery (3.3); and thirdly, sets out, using comparative examples, the federal advantages and federal disadvantages of ensuring the equitable delivery of services to women.⁸

¹ Lindsay Benstead, 'Why Quotas Are Needed to Improve Women's Access to Services in Clientelistic Regimes' (2016) 29(2)*Governance* 185-205, 187, 193.

² Sophie Witter, Veloshnee Govender, Sundari Ravindranand Robert Yates, 'Minding the Gaps: Health Financing, Universal Health Coverage and Gender' (2017) 32(5)*Health Policy and Planning* 4-12, 5.

³ Ibid.

⁴ Ibid.

⁵ Jonathan Rodden and Erik Wibbels, 'Fiscal Decentralization and the Business Cycle: An Empirical Study of Seven Federations' (2010) 22(1) *Economics and Politics* 37-67; Fernando Rezende, 'Fiscal Decentralization and Big Cities Financing in Brazil' (IPEA, 2015) 6, 8; Mark Robinson, 'Does Decentralisation Improve Equity and Efficiency in Public Service Delivery Provision?' (2007) 38(1) *IDS Bulletin* 2.

⁶ Heather MacRae, 'Multiple Policy Scales and the Development of Parental Leave Policy in Germany' in Melissa Haussman, Marian Sawyer and Jill Vickers (eds) *Federalism, Feminism and Multi-Level Governance* (Ashgate: 2010) 127-141, 128.

⁷ Gwendolyn Gray, 'Federalism, Feminism and Multilevel Governance: The Elusive Search for Theory' in Melissa Haussman, Marian Sawyer and Jill Vickers (eds) *Federalism, Feminism and Multi-Level Governance* (Ashgate, 2010) 27.

⁸ Krishna Regmi, Jennie Naidoo, Alan Greer and Paul Pilkington, 'Understanding the Effect of Decentralization of Health Services' (2010) 24(4) *Journal of Health Organization and Management* 361-382, 372.

3.2 SERVICE DELIVERY AND GENDER EQUALITY

Good quality, accessible, and affordable service delivery, including health-care services, education, and public goods and services such as sanitation, water, electricity, communications, and safe reliable transport, are an essential component of achieving gender equality. Women are disproportionately dependent on service delivery because of structural inequality and the sexual division of labour which leaves them responsible for the health and education of their children, the cooking of food and the provision of drinking water to their families, and the washing of clothes.

Globally women depend on equal access to and opportunities in education as a catalyst for their well-being in a range of other development areas.⁹ Education reduces women's poverty by increasing their capacity to earn income,¹⁰ and increased income results in better health outcomes not just for themselves but also for their children.¹¹ It raises the aspirations for women to work outside the home¹² and empowers them to challenge discrimination and to enforce their legal rights.¹³

The delivery of quality health-care services to women, including family planning and reproductive services, are crucial to reduce poverty,¹⁴ to reduce maternal and child mortality,¹⁵ and to improve women's mental and physical health outcomes. Good quality accessible, affordable healthcare means women are healthier and more able to engage in productive activities, to access education, and to participate in political governance at local and national levels.¹⁶

The provision of public services such as transportation, clean water, energy, sanitation and communications are critical to women's lives.¹⁷ Safe and affordable transportation enables women to access health-care, education, markets, employment and other business opportunities.¹⁸ It allows them to travel to and participate in decision-making bodies, such as local government, boards and other committees and to put themselves forward as leaders.¹⁹ Sustainable energy services reduce women's

⁹ Katia Vladimirova and David Le Blanc, 'Exploring Links between Education and Sustainable Development Goals through the Lens of UN Flagship Reports' (2016) 24(4)*Sustainable Development* 254-271, 259.

¹⁰ World Bank, *Global Monitoring Report: Ending Poverty and Sharing Prosperity* (World Bank International Monetary Fund, 2014/15); UNESCO, *Education for All Global Monitoring Report. Teaching and Learning: Achieving Quality for All* (UNESCO Publishing, 2015a).

¹¹ UNFPA, *State of World Population: Adolescents, Youth and the Transformation of the Future* (UNFPA, 2014); Shanika Samarakoon and Rasyad A. Parinduri, 'Does Education Empower Women? Evidence from Indonesia' (2015)66 *World Development*428-442, 429.

¹² UN Women, *Progress of the Worlds Women: In Pursuit of Justice* (UN Women, 2011/2012).

¹³ UNESCO, *Education for All Global Monitoring Report. Teaching and Learning: Achieving Quality for All* (UNESCO Publishing, 2013-2014); Rachael Marcus and Ella Page, *Girls' Learning and Empowerment: The Role of School Environments Policy Brief* (United Nations Girls' Education Initiative and Overseas Development Institute, 2016) 6.

¹⁴ Jodi Jacobson, 'Women's Health: The Price of Poverty'in Marge Koblinksky, Judith Timyan, and Jill Gay (eds *The Health of Women* (Routledge, 2018) 3-32.

¹⁵ Yohannes Dibaba Wado, 'Women's Autonomy and Reproductive Health-Care-Seeking Behavior in Ethiopia' (2018) 58(7)*Women and Health*729-743, 730.

¹⁶ Kerry Scott, AshaGeorge, Steven Harvey, ShinjiniMondal, GuptaeswarPateland KabirSheikh, 'Negotiating Power Relations, Gender Equality, and Collective Agency: Are Village Health Committees Transformative Social Spaces in Northern India?'(2017) 16(1) *International Journal for Equity in Health* 84 -94, 92.

¹⁷ Ambe Njoh, Erick O. Ananga,Ijang B. Ngyah-Etchutambe,Lucy E. Deba andFenda A. Akiwumi 'Electricity Supply, and Access to Water and Improved Sanitation as Determinants of Gender-Based Inequality in Educational Attainment in Africa' (2018) 135(2)*Social Indicators Research*533-548.

¹⁸ Marie Thynell, 'The Quest for Gender-Sensitive and Inclusive Transport Policies in Growing Asian Cities' (2016) 4(3)*Social Inclusion*72-82.

¹⁹ Amy Dunckel Graglia, 'Finding Mobility: Women Negotiating Fear and Violence in Mexico City's Public Transit System' (2016) 23(5)*Gender, Place and Culture*624-640, 628.

work, particularly in rural areas, freeing them from the collection of firewood and maintaining fires for cooking. The availability of electrical appliances combined with a regular supply of electricity reduces their workload in cooking, cleaning and laundry.²⁰ Girls, often kept home to share domestic responsibilities, may be able to go to school.²¹ Women, particularly in rural communities, are responsible for fulfilling domestic water needs. Therefore, access to domestic water sources that are convenient, reliable, and located close to home reduces women's workload.²²

The capacity and ability to communicate through computers, the internet, broadcasting technologies (radio and television), and telephony including mobile phone technologies, can extend women and girls educational opportunities,²³ increase women's access to markets and information,²⁴ and enable them to seek information on jobs and business opportunities.²⁵

3.3 FEDERALISM AND SERVICE DELIVERY

Division of powers and responsibilities in areas of government service delivery is a primary feature of federal countries. However, most countries, unitary and federal, have some form of decentralized service delivery to the local levels of governance. Evaluating the specific dynamics of federal structures in the delivery of services compared to other non-federal countries in which there is some level of decentralized service delivery, is therefore difficult. One of the challenges in this regard is that the capacity for subnational units or local governments to deliver accessible, efficient and appropriate services depends heavily on fiscal arrangements.

Gender equality experts argue, however, that decentralization of services in federal countries can provide a federal advantage. Firstly, it does this by creating the opportunity to develop, and then introduce innovative service delivery measures in subnational units, fostering competition which may lead to their introduction to other subnational units in a 'race to the top'.²⁶ Secondly, the increased opportunities for representation and participation of women in multiple subnational units will in turn lead to improved delivery of gender-sensitive and targeted services that benefit women.²⁷ Thirdly, subnational units, especially those at the local level, because they are located close to the communities they serve, are better

²⁰ Paschal Mihyo and Truphena E. Mukuna (eds) *The Gender-Energy Nexus in Eastern and Southern Africa* (OSSREA, 2016).

²¹ Njoh, above n 17; Daniel Perlman, Fatima Adamu and Quentin Wodon, 'Why do Adolescent Girls Drop out of School in Niger? A Combined Quantitative and Qualitative Analysis' (2018) *2 Marche et Organisations* 179-194; Kathleen Fincham, 'Gender and Primary School Dropout in Sudan: Girls' Education and Retention in Red Sea State' (2018) *PROSPECTS* 1-16.

²² Nandita Singh, Prosun Bhattacharya, Gunnar Jacks and Jan-Erik Gustafsson, 'Women and Modern Domestic Water Supply Systems: Need for a Holistic Perspective' (2004) *18(3) Water Resources Management* 237-248, 237; Fungai Makoni, Gift Manase and Jerry Ndamba, 'Patterns of Domestic Water Use in Rural Areas of Zimbabwe, Gender Roles and Realities' (2004) *Physics and Chemistry of the Earth, Parts A/B/C* 29.15-18 1291-1294, 1294.

²³ Tohida Rehman, 'The Role of ICT in Gender Equality and Empowerment of Women in India' (2017) *3(8) IJSRST* 562-565, 563.

²⁴ Haruna Sekabira and Matin Qaim, 'Can Mobile Phones Improve Gender Equality and Nutrition? Panel Data Evidence from Farm Households in Uganda' (2017) *73 Food Policy* 95-103, 102.

²⁵ Ahmed Rashid, 'Digital Inclusion and Social Inequality: Gender Differences in ICT Access and Use in Five Developing Countries' (2016) *20(3) Gender, Technology and Development* 306-332, 314.

²⁶ Jill Vickers, 'Is Federalism Gendered? Incorporating Gender into Studies of Federalism' (2012) *43(1) Publius. Journal of Federalism* 1-23, 15.

²⁷ Reto Steiner, Claire Kaiser, Carmen Navarro and Chris Tapscott, 'Is Local always Better? Strengths and Limitations of Local Governance for Service Delivery' (2018) *31(4) International Journal of Public Sector Management* 394-409.

able to understand and respond to the service needs of local women.²⁸ Finally, multiple access points in the form of regional and local government agencies, councils, NGO's, community organizations, and local businesses enable the women's movement to 'forum shop' and focus on reform and the adoption of positive measures in receptive access points in subnational units.²⁹

Other gender equality experts argue, however, that decentralization of services can create 'federal disadvantages'. It can fragment the women's movement reducing its ability for better and more accessible service delivery or the establishment of services to meet the particular needs of women (for example a domestic violence hotline).³⁰ It may lead to the inconsistent delivery of services in (and within) different subnational regions because of differing priorities and uneven distribution of wealth and technical capacity.³¹ The decentralization of services also produces challenges to the achievement equality when fiscal resources are insufficient to support the local delivery of services and when it fosters, in some contexts, corruption and the growth of patronage.

3.4 FEDERAL ADVANTAGES AND FEDERAL DISADVANTAGES: SERVICE DELIVERY

3.4.1 INNOVATION AND POLICY TRANSFER

Decentralization of service delivery is viewed by some gender equality experts as a federal advantage because it drives and encourages innovative service delivery as subnational units, regional and local, will be encouraged to experiment and test new policy ideas.³² Subnational units have more scope and, because the stakes are lower, more room to manoeuvre in the development of new service delivery policies and initiatives. If an initiative or policy is effective and successful then, particularly in a competitive federal system, it may be taken up either by other subnational units or even at the central government level.³³ Thus, subnational units can, through the federal system, learn from the success or failure of others.³⁴ In addition, the federal system means that there are numerous forums in which innovation can occur.³⁵ While each subnational unit will have its own ideology and priorities which may or may not support gender equality innovation, because there are other subnational units across the country the opportunities for gender equality innovation increase. This contrasts with a unitary state with one centralized government, which either supports an innovative service delivery measure or it does not.

²⁸ Ibid.

²⁹ Vickers, above n 26, 9.

³⁰ MacRae, above n 6, 128.

³¹ Gwendolyn Gray, 'Federalism, Feminism and Multilevel Governance: The Elusive Search for Theory' in Melissa Haussman, Marian Sawyer and Jill Vickers (eds) *Federalism, Feminism and Multi-Level Governance* (Ashgate, 2010) 27.

³² B Ghuman and Ranjeet Singh, 'Decentralisation and Delivery of Public Services in Asia' (2013) 32(1) *Policy and Society* 7-21, 9.

³³ Giuliano Bonoli and Cyrielle Champio, 'Federalism and Welfare to Work in Switzerland: The Development of Active Social Policies in a Fragmented Welfare State (2014) 45(1) *Publius. Journal of Federalism* 77-98, 78.

³⁴ Emilie Caldeira, Martial Foucault and Grégoire Rota-Graziosi, 'Decentralization in Africa and the Nature of Local Governments' Competition: Evidence from Benin' (2015) 22(6) *International Tax and Public Finance* 1048-1076.

³⁵ Ghuman and Singh, above n 32, 9; Gray above n 31, 19.

The climate of innovation created by decentralization generates a framework of expanding possibilities contributing to an overall expansion of social policies that encourage and further gender equality.³⁶

Federal Advantage Examples	
India	Canada
<p>India has over a million subnational local level units. An innovative mobile phone system, tracking newborns, was introduced in the subnational unit of Madhya Pradesh, where there was a high infant mortality rate. It tracked approximately 1,200 newborns and sent regular SMS messages to remind the parents of the baby to come for check-ups, and the community workers to ensure they monitor the baby's condition at home. Whenever the doctor's examination was due, free transportation was provided to enable the parents to bring the baby for the check-up. The reduction in infant mortality was significant and this innovative program was then adopted by other subnational units in an example of 'policy transfer'. The federal structure supported the introduction of this original practice, facilitating its pilot and subsequent take up in other regions.³⁷</p>	<p>In Canada, funding, administration, and delivery of health services - including those targeting people who use drugs - are a shared power between the federal government and subnational units. Harm reduction services for drug users have, due to federal hostility, been left to the subnational units to manage. Consequently, service delivery in this area is very different across the country.³⁸ The federal system and the shared power enabled Vancouver however, to take the lead and introduce an innovative and successful supervised injection facility. The primary users of this facility are sex workers, mostly women, indicating an important service delivery success for gender equality.³⁹ In an example of 'policy transfer', additional facilities were later opened in other parts of British Columbia. Subsequently Quebec also opened several supervised injection sites in Montreal.⁴⁰</p>

There are numerous examples of innovative gender equality service delivery measures which have succeeded at the subnational level and then been adopted by other subnational units. For example, Medicare (a publicly funded, single-payer health care system) was originally introduced in Saskatchewan, a Canadian subnational unit, but then after proving successful was later adopted throughout Canada.⁴¹ In India the Special Cell for Women and Children (a service aimed at ending violence against women), the *nari adalats* (women's courts) and the Mahila Samakhya Program (women's empowerment through

³⁶ Susan Williams, 'Federalism and Gender Equality' (2018) 46(4) *Federal Law Review* 491-519, 497.

³⁷ Rajesh Kumar Rai, 'Tracking Women and Children in a Continuum of Reproductive, Maternal, Newborn, and Child Healthcare (RMNCH) in India' (2014) 4(3) *Journal of Epidemiology and Global Health* 239-243; Dhiren Modi, Ravi Gopalan, Shobha Shah, Sethuraman Venkatraman, Gayatri Desai, Shrey Desai, and Pankaj Shah, 'Development and Formative Evaluation of an Innovative mHealth Intervention for Improving Coverage of Community-Based Maternal, Newborn and Child Health Services in Rural Areas of India' (2015) 8(1) *Global Health Action* 1-13.

³⁸ Elaine Hyshka, Jalene Anderson-Baron, Kamagaju Karekezi, Lynne Belle-Isle, Richard Elliott, Bernie Pauly, Carol Strike, Mark Asbridge, Colleen Dell, Keely McBride, Andrew Hathaway and T. Cameron Wild, 'Harm Reduction in Name, but not Substance: A Comparative Analysis of Current Canadian Provincial and Territorial Policy Frameworks' (2017) 14(50) *Harm Reduction Journal*. <<https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-017-0177-7>>

³⁹ Kanna Hayash, Huiru Dong, Brandon D. L. Marshall, Michael-John Milloy, Julio S. G. Montaner, Evan Wood, and Thomas Kerri, 'Sex-Based Differences in Rates, Causes, and Predictors of Death among Injection Drug Users in Vancouver, Canada' (2016) 183(6) *American Journal of Epidemiology* 544-552.

⁴⁰ Ibid.

⁴¹ Howard Palley, Marie-Pascale Pomey and Pierre-Gerlier Forest, 'Examining Private and Public Provision in Canada's Provincial Health Care Systems: Comparing Ontario and Quebec' (2011) 32 *International Political Science Review* 79-94.

education) are three innovative programs introduced at local and regional level which were subsequently adopted by other subnational units after they proved effective and beneficial.⁴²

3.4.2 ENHANCED PARTICIPATION

Decentralization increases the opportunities for women to become representatives in subnational and local governance (including village assemblies, councils, and committees). Greater representation may provide women with greater opportunities to contribute to the formulation of policy, initiatives and measures including introducing gender-sensitivity in the delivery of services. Indeed, there is research indicating a link between the increased representation of women in subnational and local governance and improved service delivery for women.⁴³

However, increased representation of women does not always increase women's capacity and ability to influence enhanced service delivery to meet women's needs. Research across different countries has found that women find it difficult to participate meaningfully in local and subnational governance because of gender norms, family, caste, class, and religious strictures.⁴⁴ For example, research conducted in Pakistan found only 22 percent of women councillors attended council meetings regularly,⁴⁵ and that women councillors have limited access to funding, reduced decision-making powers, and a limited role in policy making.⁴⁶ In India, research indicates that villagers prefer male local council leaders and view women leaders as less effective,⁴⁷ and in Latin American countries the 'hectic pace' of public office assumes either the absence of domestic obligations or the presence of other caretakers making it challenging for women to participate meaningfully. As a council member summed it up: 'the schedules, the places where the meetings are, the hours – they are all sexist!'⁴⁸

Despite these hurdles, in an instance of federal advantage, there are examples of significant improvements to service delivery after women have achieved a 'critical mass' of representation in subnational and local governance bodies.⁴⁹ In Brazil, for example, which has a highly decentralized service delivery model, research indicates that a larger percentage of women in city councils and in the municipal executive administration (as well as a female head of the social assistance agency), increased the number of women-friendly policies that were adopted in the municipalities, including services for victims of violence, the provision of birthing facilities and child care centres.⁵⁰ In another example, in

⁴² Gopika Solanki, 'A Fine Balance? Multilevel Governance and Women's Organising in India' in Melissa Haussman, Marian Sawer and Jill Vickers (eds) *Federalism, Feminism and Multi-Level Governance* (Ashgate: 2010).

⁴³ Yolande Bouka, Marie E. Berry and Marilyn Muthoni Kamuru, 'Women's Political Inclusion in Kenya's Devolved Political System' (2019) *Journal of Eastern African Studies* 1-21.

⁴⁴ Asha Aklilu, Abenet Belete and Theresa Moyo. 'Challenges Facing Decentralization and Community Participation in Local Development in Capricorn District Municipality, South Africa' (2016) 54(2) *Journal of Human Ecology* 131-137, 132.

⁴⁵ Florence McCarthy and Monawar Sultana, *Gender and Governance Issues in Local Government* (Asian Development Bank) 23. <<https://www.adb.org/sites/default/files/publication/29210/gen-gov-issues.pdf>>

⁴⁶ Iqtidar Ali Shah, Arshad Aziz and M. Shakil Ahmad, 'Women Councillors for Women's Empowerment in Pakistan' (2015) 16(3) *Journal of International Women's Studies* 203-219, 215.

⁴⁷ Ulrike Mueller, 'Lost in Representation? Feminist Identity Economics and Women's Agency in India's Local Governments' (2016) 22(1) *Feminist Economics* 158-182.

⁴⁸ Susan Franceschet, Jennifer M. Piscopo and Gwynn Thomas, 'Supermadres, Maternal Legacies and Women's Political Participation in Contemporary Latin America' (2016) 48(1) *Journal of Latin American Studies* 1-32, 19.

⁴⁹ Jill Vickers, 'Gendering Territorial Politics' in Klaus Detterbeck and Eve Hepburn (eds) *Handbook of Territorial Politics* (Elgar Publishing, 2018) 74-89, 83.

⁵⁰ Kenneth Meier and Kendall D. Funk, 'Women and Public Administration in a Comparative Perspective: The Case of Representation in Brazilian Local Governments' (2017) 49(1) *Administration and Society* 121-142, 133.

Rwanda the government adopted a National Decentralization Policy in 2002 (revised in 2012) which gave 30 districts with high female representation substantial autonomy. Service delivery in health, education, water supply, and sanitation rapidly improved with reductions in maternal mortality, increases in the use of contraception, and a dramatic increase in school attendance by girls.⁵¹

Federal Disadvantage Example

Ethiopia

In Ethiopia the delivery of drinking water has undergone extensive decentralization. The construction and major rehabilitation of drinking water facilities is managed by district water desks, which are supported by the Regional Water Bureaus. Water committees have been established, each of which manages one water facility. The collection of drinking water and its distribution within households is primarily undertaken by women in Ethiopia. Although decentralization could represent a federal advantage it has become a federal disadvantage as research revealed that in all subdistricts examined sites except for one, the water committee leaders were men. Even when women were on committees their participation in decision making was insignificant.⁵² Local women interviewed agreed that their voices were important to ensure that their family and community needs were met. They also stated that gender sensitization, education and the encouragement of women to participate on Water committees were important measures to improve service delivery of water.⁵³ Shifting a federal disadvantage to a federal advantage in this instance requires an increase of women's representation and active participation on the Water committees.

As a result there is evidence of successful health and education policies at local levels facilitating improvements and rising equality in primary service provision.⁵⁷ In India, in another example in the village of Pilplanti, the local governance body has determined that for every girl born 111 trees are planted and

3.4.3 CLOSE TO THE COMMUNITY

Decentralization, according to some gender equality experts, can in a federal advantage improve the quality and accessibility of service delivery to women because subnational units are physically, socially and culturally close to the community they serve.⁵⁴ This is beneficial because local public officials have direct contact with citizens, particularly at the district and village level, where they have personal experiences and connections in the community which will guide them in the process of developing appropriate service delivery frameworks.⁵⁵ In particular, this close contact enables subnational units to understand the needs of local women and to develop appropriate services.⁵⁶

In Ethiopia, for example, decentralization has created space for women to engage on local service delivery issues, despite limited space for engagement with national decision-

⁵¹ World Health Organization, *Success Factors for Women's and Children's Health: Rwanda* (2015) 5, 18. <https://apps.who.int/iris/bitstream/handle/10665/178638/9789241509084_eng.pdf>

⁵² Amleset Gebreegzabher, 'Women's Participation in Water Resource Management, in Case of Enderta District, Tigray Region, Ethiopia' (2019) 10(11) *JWARP* 1047-1060.

⁵³ Ibid 1057.

⁵⁴ Christine Okojie, *Decentralisation and Public Service Delivery in Nigeria* (Department of Economics and Statistics, University of Benin 2009) 2; Faiz Ur Rahim, 'Fiscal Decentralization and Citizen's Satisfaction from Local Public Service Delivery in Pakistan' (2018) 34(1) *International Journal of Ethics and Systems* 122-142.

⁵⁵ Krishna Regmi, Jennie Naidoo, Alan Greer and Paul Pilkington, 'Understanding the Effect of Decentralization of Health Services' (2010) 24(4) *Journal of Health Organization and Management* 361-382, 372.

⁵⁶ Rosalind McCollum, Ralalicia Limato, Lilian Otiso, Sally Theobald and Miriam Taegtmeier, 'Health System Governance Following Devolution: Comparing Experiences of Decentralisation in Kenya and Indonesia' (2018) 3 *BMJ Global Health* 1-11, 2.

⁵⁷ Qaiser Khan, Jean-Paul Faguet, Alemayehu Ambel, *Blending Top-Down Federalism with Bottom-Up Engagement to Reduce Inequality in Ethiopia*. World Bank Policy Research Working Paper No. 7511 (World Bank, 2017).

a fund is created for her education in recognition of the discrimination faced by girl children in India.⁵⁸

3.4.4 FORUM SHOPPING

Decentralization, according to some gender equality experts, creates opportunities for 'forum shopping' - choosing the most favourable venue for advancing service delivery improvements or accessing service delivery. Women and their allies can lobby for efficient, accessible, and improved service delivery for women in a wide range of institutional forums including traditional and religious authorities, private sector institutions, voluntary associations, the executive, the legislature and judicial officials of national, subnational, and local governments and international institutions.⁵⁹ For example, if women are lobbying for improved family planning services, a federal system enables women to focus their campaign on the state, district or village institution that is the most receptive to reform.⁶⁰ Multiple access points also mean that if a reform campaign fails in the chosen forum, it is possible to shift focus to a different forum. In a centralized system, by contrast, only one venue is available and after a failed attempt at reform, it may not be possible to try again until the government changes.

In Iraq for example, the women's movement, supported by female legislators, focused on Kurdistan, a semi-autonomous region of Iraq much more receptive to women's rights, and successfully negotiated strong provincial policies to improve service delivery to victims of gender-based violence. They recognized Kurdistan as the most favourable forum in Iraq in the political climate at the time.⁶¹

Decentralization also increases the number of service delivery institutions that women can access to meet their needs. For example, women can, if able, move to a more favourable subnational unit to access a service that is not available in their own subnational unit. For example, in many federal systems differences in access to abortion services has facilitated a steady movement of women to subnational units that provide abortion services when their own subnational unit does not.⁶²

3.4.5 FISCAL SUPPORT

A lack of funding for decentralized service delivery, either supplied by the federal government or raised independently by subnational units, hinders opportunities for the improvement of the delivery of services to women. The ability to pay for essential services, the ability to expand and develop services to meet the needs of women, and the opportunity to innovate is constrained by a lack of funding. In particular, research has indicated that if there is an economic shortfall, a crisis or conflict situation, it is the delivery

⁵⁸ Mahim Pratp Singh, *The Hindu* April 13 2013. <<https://www.thehindu.com/news/national/other-states/a-village-that-plants-111-trees-for-every-girl-born-in-rajasthan/article4606735.ece>>

⁵⁹ Anne Marie Goetz and Rob Jenkins, 'Feminist Activism and the Politics of Reform: When and Why Do States Respond to Demands for Gender Equality Policies?' (2018) 49(3) *Development and Change* 714-734, 715.

⁶⁰ Jill Vickers, 'A Two-Way Street: Federalism and Women's Politics in Canada and the United States' (2010) 40(3) *Publius*, 412-435, 431.

⁶¹ Nazand Begikhani and Najat M. Faraj, 'Legal Treatment of Honour Crimes: Comparison between Iraqi National and the Kurdistan Region's Laws' (2016) 3(2) *European Journal of Comparative Law and Governance* 130-152, 141.

⁶² Christabelle Sethna and Marion Doull, 'Spatial Disparities and Travel to Freestanding Abortion Clinics in Canada' (2013) 38 *Women's Studies International Forum* 52-62, 53, 59; Lisa Kelly and Nicole Tuszynski, 'Banishing Women: The Law and Politics of Abortion Travel' (2016) 33 *Columbia Journal of Gender and the Law* 25-29.

of services to women that are often reduced, limited or cut.⁶³ Conversely, in times of economic downturn, crisis or conflict, women's need for service delivery increases as they experience accelerated rates of violence and dramatic increases to their workload, as well as being much more likely to have reduced access to nutrition, water and other essential services.⁶⁴

Fiscal shortfalls have been identified in numerous studies as pivotal to the failure of decentralization to deliver services to women and girls, including in Pakistan,⁶⁷ South Africa⁶⁸ and Canada.⁶⁹ In contrast, other examples illustrate that decentralization improves the quality, accessibility and efficiency of the delivery of services when accompanied by fiscal autonomy at the local level. In the Philippines, for example, while decentralization of health-care services did not initially result in improved outcomes for women, as fiscal decentralization increased it

delivered positive impacts on the nutrition of women and children, infant mortality, ante-natal care, and family planning services.⁷⁰ In Italy, a study of 20 Italian regions over a 17-year period (1996-2012) revealed a clear link between reduced infant mortality and fiscal decentralization.⁷¹

Fiscal Support Example

Nigeria

Nigeria decentralized the delivery of health and education services to local governments. Although decentralization was intended to improve service delivery, inadequate finance, a lack of human resources, a lack of gender sensitivity, and few female decision-makers at the local level led to the failure of decentralization to deliver adequate health and education services to women.⁶⁵ Indeed, the Global Gender Gap Report of 2020 indicates an increasing gender gap in the delivery of education and health services as Nigeria has dropped from 104 in 2006 to 145 in 2020 in education attainment, and 99 in 2006 to 135 in 2020 in health and survival.⁶⁶

3.4.6 CONSISTENCY

Decentralization in federal countries is viewed by some gender equality experts as likely, in an example of federal disadvantage, to result in the inconsistent delivery of services to women across a

⁶³ Kathleen Lahey and Paloma De Villota, 'Economic Crisis, Gender Equality, and Policy Responses in Spain and Canada'(2013)19(3) *Feminist Economics* 82-107; Penny Griffin, 'Crisis, Austerity and Gendered Governance: A Feminist Perspective' (2015) 109(1)*Feminist Review*49-72.

⁶⁴ Rajat Khosla, Sandra Krause and Mihoko Tanabe, 'Addressing the Rights of Women in Conflict and Humanitarian Settings'in Pascale Allotey and Daniel Reidpath (eds) *The Health of Refugees: Public Health Perspectives from Crisis to Settlement*(Oxford University Press, 2019) 153-169.

⁶⁵ Christine Okojie, *Decentralisation and Public Service Delivery in Nigeria* (Department of Economics and Statistics, University of Benin 2009) 53.

⁶⁶ World Economic Forum, *Global Gender Gap Report 2020*. <<http://reports.weforum.org/global-gender-gap-report-2020/> >

⁶⁷ Iffat Ara, Muhammad Sabir, and Mahmood Khalid, 'Decentralisation of GST Services and Vertical Imbalances in Pakistan [with Comments]' (2010)49(4) *Pakistan Development Review* 479-495.

⁶⁸ Lidia Cabral, *Decentralisation in Africa: Scope, Motivations and Impact on Service Delivery and Poverty* (Overseas Development Institute, 2011) 1-14, 9.

⁶⁹ Rupaleem Bhuyan, 'Negotiating Citizenship on the Frontlines: How the Devolution of Canadian Immigration Policy Shapes Service Delivery to Women Fleeing Abuse' (2012) 34(2) *Law and Policy* 211-236, 215.

⁷⁰ Michael Abrigo and Danica Ortis, *Devolution of Health Services, Fiscal Decentralization and Antenatal Care in the Philippines* (Philippine Institute for Development Studies, 2017) 6, 8.

⁷¹ Marina Cavalieri and Livio Ferrante, 'Does Fiscal Decentralization Improve Health Outcomes? Evidence from Infant Mortality in Italy' (2016) 164*Social Science and Medicine* 74-88, 87.

country and sometimes within a subnational unit.⁷² Inconsistency is likely to occur, some argue, first, because some subnational units may prioritize gender equality initiatives while others may not. In Argentina, for example, the federal family planning program established universal standards that mandated the availability of contraception freely for all persons and provided funding. It left the subnational units, however, to adhere by developing their own programs. Some units used their autonomy (lawfully) to curtail the program in a variety of ways to accord with conservative moral beliefs around contraception, resulting in inconsistent availability of contraception for women across Argentina.⁷³

Secondly, some subnational units may have greater access to funding, for example, through natural resources, and may be more financially able to fund the provision of services. In Switzerland, for example, subnational 'cantons' are highly autonomous and independently determine resource allocation to health and social protection for the poor. This has created inequitable access to health care for women across cantons because some cantons are wealthier than others.⁷⁴ A recent, more centralized, approach to some aspects of health-care delivery has, improved the consistency of health-care delivery across Switzerland significantly.⁷⁵

Finally, some gender equality experts argue the lack of cross-regional solidarity and the engagement of women in 'competing' feminist and nationalist projects may jeopardize effective campaigning, resulting in inconsistent outcomes for women.⁷⁶ Although multiple access points facilitate 'forum shopping' opportunities, the serious resource strain on women's movements may result in inconsistent gains across the country. In contrast, in an example of federal disadvantage, a policy or measure can be evenly adopted and implemented in a unitary system with much less use of scarce advocacy resources. For example, in New Zealand, a unitary country, the women's movement easily lobbied for a single domestic violence law for the whole country. Its neighbour Australia, a federal country, required eight different domestic violence laws which were adopted over a protracted period in the respective subnational units which comprise the nation.

3.4.7 CORRUPTION AND PATRONAGE

Corruption (dishonest or fraudulent conduct by those in power often involving bribery) and patronage (the favouring of community members in exchange for support or votes) can pose a federal disadvantage when service delivery is decentralized. Some commentators argue that decentralization can operate to reduce corruption and patronage because local people are positioned to monitor such behaviours due to their proximity to the local officials and will reject offenders through social penalties

⁷² Susan Franceschet, Jennifer M. Piscopo and Gwynn Thomas, 'Supermadres, Maternal Legacies and Women's Political Participation in Contemporary Latin America' (2016) 48(1) *Journal of Latin American Studies* 1-32, 5.

⁷³ Ibid 9, 10.

⁷⁴ Lorenz Wyss, 'Decentralization and Central and Regional Coordination of Health Services: The Case of Switzerland' (2000) 15 *International Journal of Health Planning and Management* 103-114, 112.

⁷⁵ Carlo De Pietro, Paul Camenzind, Isabel Sturny, Luca Crivelli, Suzanne Edwards-Garavoglia, Anne Speranger, Friedrich Wittenbercher and Wilm Quentin, 'Switzerland: Health System Review' (2015) 17(4) *Health Systems in Transition* 1-288; Bjorn Uhlmann, 'Switzerland: Subnational Authority and Decentralized Health Care' in Gregory Marchildon and Thomas J. Bossert (eds) *Federalism and Decentralization in Health Care: A Decision Space Approach* (University of Toronto Press, 2018) 16-43.

⁷⁶ Alba Alonso, 'Thriving or Dividing? The Women's Movement and the Independence Referenda in Scotland and Catalonia' (2018) 14(3) *Politics and Gender* 460-482, 461.

or the election process.⁷⁷ However, some evidence demonstrates that patronage and corruption may be enhanced in federal countries where decentralization creates an opportunity for local elites to magnify and strengthen their power base.⁷⁸

Indeed, there are numerous examples of local leaders in federal countries delivering enhanced services to areas where supporters live⁷⁹ or appointing supporters to positions for which they do not have appropriate skills or qualifications.⁸⁰ The beneficiaries of patronage are rarely women.⁸¹ Instead, corruption and patronage affect women disproportionately as they are poorer and more exposed to these abuses.⁸² Women's greater interaction with many public services means that they are disproportionately exposed to corruption at the point of service delivery with resultant effects on cost, volume and quality of the care provided.⁸³ Some forms of corruption in public services such as health and education are specific to women. For example, women may be compelled to make informal payments for services that are supposed to be free, or sex may be demanded as a form of payment in return for public services.⁸⁴

Some research suggests that increasing the number of women in leadership and decision-making roles increases transparency and lessens corruption and patronage in service delivery.⁸⁵ This effect is amplified the length of time women serve in these roles increases, and when women are represented at all stages of service delivery.⁸⁶ In Spain, for example, a gender quota has resulted in a rapid increase in the number of women councillors and female mayors. With the increase of representation of women, transparency has increased.⁸⁷ A number of other studies have found a correlation between higher levels of women in parliament and lower levels of corruption.⁸⁸ Evidence from India and Nepal also suggests that

⁷⁷ Hem Raj Lamichhane, 'Obstacles to Krishna Raj Panta. Local Public Service Delivery Contribution of Expenditure of Local Bodies' 1(1) *Journal of Fiscal Federalism* 114-148, 100.

⁷⁸ Idayat Hassan and Kelechi C. Iwuamadi, 'Decentralization, Governance and Corruption at the Local Level: Evidence from Nigeria' (Centre for Democracy and Development, 2018) 13, 14; Erika Serfontein and Elda De Waal, 'The Corruption Bogey in South Africa: Is Public Education Safe?' (2015) 35(1)*South African Journal of Education*1-12, 6.

⁷⁹ Mc Collom, above n 56, 6

⁸⁰Alexander Beresford, 'Power, Patronage, and Gatekeeper Politics in South Africa' (2015) 114(455)*African Affairs*226-248; Owolabi Bakre, Sarah George Lauwo and Sean McCartney, 'Western Accounting Reforms and Accountability in Wealth Redistribution in Patronage-Based Nigerian Society' (2017) 30(6)*Accounting, Auditing and Accountability Journal*1288-1308; Petr Kopecký, Jan-Hinrik Meyer Sahling, Francisco Panizza, Gerardo Scherlis, Christian Schuster and Maria Sprirova,, 'Party Patronage in Contemporary Democracies: Results from an Expert Survey in 22 Countries from Five Regions' (2016) 55(2) *European Journal of Political Research*416-431.

⁸¹ Zenebe Uraguchi, 'Food Price Hikes, Food Security, and Gender Equality: Assessing the Roles and Vulnerability of Women in Households of Bangladesh and Ethiopia' (2010) 18(3)*Gender and Development* 491-501.

⁸² Transparency International, *Corruption and Gender in Service Delivery: The Unequal Impacts* TI Working Paper 02/2010 (Transparency International, 2010).

⁸³ Frédéric Boehm and Erika Sierra, 'The Gendered Impact of Corruption: Who Suffers More? Men or Women?' *U4 Brief* (2015). <<http://hdl.handle.net/11250/2475280>>

⁸⁴ Ibid.

⁸⁵ Aksel Sundström and Lena Wängnerud, 'Corruption as an Obstacle to Women's Political Representation: Evidence from Local Councils in 18 European Countries' (2016) 22(3)*Party Politics*354-369, 360; Lindsay Benstead, 'Why Quotas Are Needed to Improve Women's Access to Services in Clientelistic Regimes' (2016) 29(2)*Governance* 185-205.

⁸⁶ Farzana Afridi, Vegard Iversen and M. R. Sharan, 'Women Political Leaders, Corruption, and Learning: Evidence from a Large Public Program in India' (2017) 66(1)*Economic Development and Cultural Change* 1-30.

⁸⁷ Joaquim Araujo and Francisca Tejedó-Romero, 'Women's Political Representation and Transparency in Local Governance' (2016) 42(6)*Local Government Studies* 885-906, 901.

⁸⁸ Helena Stensöta, Lena Wängnerud, and Richard Svensson, 'Gender and Corruption: The Mediating Power of Institutional Logics'(2015) 28(4) *Governance* 475-496.

the establishment of codes of conduct for local institutions and personnel reduced corruption in education with a particular benefit to women.⁸⁹

3.5 CONCLUSION

Decentralization of the delivery of services can provide a federal advantage leading to improved accessibility, quality, and affordability of services for the community. It can also lead to the introduction of services that target the specific needs of women such as family planning centres, maternal health centres, and educational opportunities. It does this by providing enhanced opportunities for innovation and policy transfer, by creating opportunities for forum shopping both for those lobbying and for those seeking services and by establishing multiple subnational units closely located to the communities they serve, which are better able to understand the needs of women. However, incomplete decentralization, where insufficient fiscal support is allocated to subnational units to enable them to deliver the services they are tasked with providing, and a lack of action to counter corruption and patronage, may shift a federal advantage to a federal disadvantage because women are disproportionately affected in such circumstances.

⁸⁹ UNESCO, 'Ethics and Corruption in Education', <www.iiep.unesco.org/research/highlights/ethics-corruption/flagships/design-of-ethical-standards/codes-of-conduct-in-universities.html>

VIOLENCE AGAINST WOMEN

This section outlines: firstly, the different forms of violence against women, its prevalence and its impact (4.2); secondly, the relationship, in general terms, between federal systems and violence against women (4.3); and thirdly, the federal advantages and federal disadvantages in reducing and ending violence against women and supporting and protecting victims (4.4).



Introduction	4.1	◇
Violence Against Women and Gender Equality	4.2	◇
Federalism and Violence Against Women	4.3	◇
Federal Advantages and Federal Disadvantages	4.4	◇
Legal Measures	4.4.1	
Non-Legal Measures	4.4.2	
Conclusion	4.5	◇

VIOLENCE AGAINST WOMEN

4.1 INTRODUCTION

Violence against women - defined as any act, omission or threat that results in, or is likely to result in physical, sexual, psychological or economic harm or suffering to women, either in public or in private life perpetrated by individuals, by organizations, and by the nation state - is widespread in federal and unitary countries.¹ Indeed, an estimated one third of women are victims of gender-based violence in their lifetime. In most of the world, the most dangerous place for a woman is in her own home.² Violence against women poses a significant impediment to the achievement of gender equality impacting on all areas of their lives. Laws cannot, on their own, eliminate violence against women, or eliminate harmful traditional practices. Non-legislative measures including national plans of action, specialized service provision, educative and public awareness measures, and reliable means of data collection complement and support the law and provide further opportunities to address violence against women.³

In federal countries, which to date perform similarly to unitary countries in addressing violence against women, there are particular and significant challenges. Embedded gender role stereotypes which support and perpetuate violent practices can be difficult to change and modify if responsibility to respond to violence against women is allocated to subnational units without national standard setting.⁴ Indeed, some gender equality experts argue that a centralized power to address all aspects of violence against women is necessary to effectively tackle the issue.⁵ Nevertheless, there are federal advantages through forum shopping and policy transfer opportunities in federal and decentralized countries that can support the implementation of measures to reduce violence against women and provide appropriate support for victims.

This section outlines: firstly, the different forms of violence against women, its prevalence and its impact (4.2); secondly, the relationship, in general terms, between federal systems and violence against women (4.3); and thirdly, the federal advantages and federal disadvantages in reducing and ending violence against women and supporting and protecting victims (4.4).

4.2 VIOLENCE AGAINST WOMEN AND GENDER EQUALITY

The importance of reducing and ultimately ending violence against women needs no elaboration. All persons have a right to a life free from violence. Violence against women occurs throughout their life cycles, in a range of forms in every aspect of their lives in both the public and private spheres. In some countries it begins before conception with the practice of preconception selection, when prospective

¹ UN Women, Facts and Figures. Ending Violence Against Women <<http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>>

² Jeni Klugman, *Gender Based Violence and the Law* (World Bank, 2017) 6.

³ Celuchi Onyemelukwe, 'Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act 2015' (2016) 5 *De Paul Journal of Women, Gender and the Law* 1-57, 3.

⁴ Gwendolyn Gray, 'Federalism, Feminism and Multilevel Governance: The Elusive Search for Theory' in Melissa Haussman, Marian Sawer and Jill Vickers (eds) *Federalism, Feminism and Multi-Level Governance* (Ashgate, 2010) 27.

⁵ Onyemelukwe, above n 3, 3.

parents preselect chromosomes to ensure a male child.⁶ It continues after conception in countries that use sex-selection practices to determine the sex of the fetus for the purpose of aborting female fetuses.⁷ During pregnancy and birthing women in many countries are not provided with adequate maternity facilities and services and suffer death or serious morbidity issues and other harms in childbirth.⁸ After birth, feticide (where female children are killed in favour of sons), is still globally significant.⁹ The girl child, if not a victim of abortion or feticide, experiences violence in many countries in the form of discrimination in the provision of health-care, access to education, and basic nutrition.¹⁰ As the female child grows, she may be married under-age or forced into marriage.¹¹ Within marriage and *de facto* relationships, domestic violence is widespread.¹² Girls and women are also victims of harmful traditional and cultural practices including sorcery accusations and punishments,¹³ genital cutting,¹⁴ honour killings¹⁵ and dowry violence.¹⁶ They are victims of sexual violence by persons known to them and, less frequently, by strangers.¹⁷ At educational facilities, at places of employment and on public transport women are victims of sexual harassment.¹⁸ Single women are particularly vulnerable to violence,¹⁹ and for a married woman who survives her husband, violence against widows is endemic in some countries.²⁰ Female senior citizens experience neglect and abuse in many countries.²¹

⁶ Sharada Srinivasan, *Daughter Deficit. Sex Selection in Tamil Nadu* (Women Unlimited, New Delhi, 2012) 1-6.

⁷ Ibid; Mohit Sahni, Neeraj Verma, D. Narula, Raji Mathew Varghese, V. Sreenivas, and Jacob M. Puliye,, 'Missing Girls in India: Infanticide, Feticide and Made-to Order Pregnancies? Insights from Hospital-Based Sex Ratio-at-Birth over the Last Century' (2008) 3(5) *Plos One*. <<https://doi.org/10.1371/journal.pone.0002224>>

⁸ Ana Flávia Pires, Lucas d'Oliveira, Simone Grilo Diniz and Lilia Blima Schraiber, 'Violence against Women in Health-Care Institutions: An Emerging Problem' (2002) 359 *The Lancet* 1681–1685.

⁹ Michelle Vickery and Edwin Van Teijlingen, 'Female Infanticide in India and its Relevance to Nepal' (2017) 3(1)*Journal of Manmohan Memorial Institute of Health Sciences* 79-85.

¹⁰ Michael Nnachebe Onah and Susan Horton, 'Male-Female Differences in Households' Resource Allocation and Decision to Seek Healthcare in South-Eastern Nigeria: Results From a Mixed Methods Study' (2018) 204 *Social Science and Medicine* 84-91.

¹¹ Kayode Olatunbosunx Fayokun, 'Legality of Child Marriage in Nigeria and Inhibitions against Realisation of Education Rights' (2015) 12*US-China Law Review* 812-826.

¹² UN Women, Facts and Figures, above n 1.

¹³ Imrana Jalal, *Harmful Practices Against Women in Pacific Island Countries: Customary and Conventional Laws* (United Nations Division for the Advancement of Women, 2009) 2, 3.

¹⁴ Jacinta K Muteshi, Suellen Miller and José M. Belizán, 'The Ongoing Violence against Women: Female Genital Mutilation/Cutting' (2016) 13(44)*Reproductive Health* 1-4.

¹⁵ Nazand Begikhani and Aisha K. Gill, *Honour-Based Violence: Experiences and Counter-Strategies in Iraqi Kurdistan and the UK Kurdish Diaspora* (Routledge, 2016).

¹⁶ Sundari Anitha, Harshita Yalamarty and Anupama Roy, 'Changing Nature and Emerging Patterns of Domestic Violence in Global Contexts: Dowry Abuse and the Transnational Abandonment of Wives in India' (2018) 69 *Women's Studies International Forum* 67-75.

¹⁷ Elise Chenier, 'The Natural Order of Disorder: Pedophilia, Stranger Danger and the Normalising Family' (2012) 16(2)*Sexuality and Culture* 172-186; Charlene L Muehlenhar, Mary F. Goggins, Jayme M. Jones and Arthur T. Satterfield, , 'Sexual Violence and Coercion in Close Relationships' in *Sexuality in Close Relationships* (Psychology Press, 2014) 171-192.

¹⁸ Varun Kap and Kanika Dhingra, 'Sexual Harassment against Women in India' (2013) 6(10) *OIDA International Journal of Sustainable Development* 85–92.

¹⁹ Deepthi Varma, Prabha S Chandra and Tinku Thomas, 'Intimate Partner Violence and Sexual Coercion among Pregnant Women in India: Relationship with Depression and Post-Traumatic Stress Disorder' (2007) 102(1-3) *Journal of Affective Disorders* 227–235.

²⁰ Bushra Sabri, Shrutika Sabarwal, Michele R. Decker, Abina Shrestha, Kunda Sharma, Lily Thapa, and Pamela J. Surkan, 'Violence against Widows in Nepal: Experiences, Coping Behaviors, and Barriers in Seeking Help' (2016) 31(9)*Journal of Interpersonal Violence* 1744-1766.

²¹ Niola O Cadmus and Eme T. Owoaje, 'Prevalence and Correlates of Elder Abuse Among Older Women in Rural and Urban Communities in South Western Nigeria' (2012) 33(1) *Health Care for Women International* 973-984; Minna-Liisa Luom, Mira Koivusilta, Gert Lang, Edith Enzenhofer, Liesbeth De Donder, Dominique Verté, Jolanta Reingarde, Ilona Tamutiene, José Ferreira-Alves, Ana Santos and Bridget Penhale, .*Prevalence Study of Abuse and Violence against Older Women: Results of a Multi-Cultural Survey Conducted in Austria, Belgium, Finland, Lithuania, and Portugal* (National Institute for Health and Welfare, 2011).

Violence against women impacts all areas of their lives. Women who have experienced physical or sexual violence have higher rates of depression, anxiety, sexual and reproductive health problems, social isolation, and marginalization.²² Violence also reduces their access to housing,²³ their educational opportunities and their ability to work,²⁴ their capacity to run for public office²⁵ and their ability to maintain their relationships with extended family.²⁶ Pregnant women who experience violence suffer a range of heightened adverse impacts.²⁷ On a broader societal and community level violence against women increases poverty,²⁸ has significant intergenerational impact,²⁹ and undermines the economic development of the community as a whole.³⁰

4.3 FEDERALISM AND VIOLENCE AGAINST WOMEN

The role of governance systems in reducing or alternately perpetuating violence against women is difficult to determine since violence against women exists in all countries both federal and unitary. Violence against women is associated with a range of factors including education levels of men and women,³¹ the strength of customary and traditional norms,³² and broader structural inequalities including men's power and dominance in the family and within marriage,³³ men's disproportionate economic wealth and control over resources,³⁴ and men's dominance in political representation and participation.³⁵

The governance system (whether federal or unitary) may not directly influence the levels of violence against women. However, some gender equality experts argue that federalism can create a federal advantage by enhancing opportunities to address violence against women. It may create the

²² Sian Oram, Hind Khalifeh and Louise Howard, 'Violence against Women and Mental Health' (2017) 4(2)*The Lancet Psychiatry* 159-170; Nancy Russo, *Violence against Women: A Global Health Issue* (Routledge, 2019) 12.

²³ Charlene K Baker, Joseph Warren, Chiquita Rollins and Nancy E. Glass, 'Domestic Violence, Housing Instability, and Homelessness: A Review of Housing Policies and Program Practices for Meeting the Needs of Survivors' (2010) 15(6) *Aggression and Violent Behavior* 430-439.

²⁴ Rachel Heath, 'Women's Access to Labor Market Opportunities, Control of Household Resources, and Domestic Violence: Evidence from Bangladesh' (2014) 57 *World Development* 32-46.

²⁵ Lori Heise and Andreas Kotsadam, 'Cross-national and Multilevel Correlates of Partner Violence: An Analysis of Data from Population-Based Surveys' (2015) 3(6) *The Lancet Global Health* 332-340.

²⁶ Klugman above n 3, who analyses twenty-one countries: Azerbaijan, Burkina Faso, Cameroon, Colombia, Cote d'Ivoire, Ghana, Haiti, Honduras, India, Kenya, Malawi, Mozambique, Nepal, Nigeria, Peru, the Philippines, Tanzania, Uganda, Ukraine, Zambia, and Zimbabwe.

²⁷ Fatemeh Abdollahi, Farrideh R Abhari, Mouloud A Delavar and Jamshid Y Charati, 'Physical Violence against Pregnant Women by an Intimate Partner, and Adverse Pregnancy Outcomes in Mazandaran Province, Iran' (2015) 22(1) *Journal of Family and Community Medicine* 13-18.

²⁸ Premalatha Karupiah and Parthiban S. Gopal, 'Intimate Partner Violence and Poverty: Malaysian Indian women in Penang, Malaysia' in *Global Currents in Gender and Feminisms: Canadian and International Perspectives* (Emerald Publishing Limited, 2017) 225-236.

²⁹ Ibid.

³⁰ Ibid.

³¹ Leland K Ackerson, Ichiro Kawachi, Elizabeth M. Barbeau and S.V. Subramanian, 'Effects of Individual and Proximate Educational Context on Intimate Partner Violence: A Population-Based Study of Women in India' (2008) 98(3) *American Journal of Public Health* 507-514.

³² Ericka Curran and Elsje Bonthuy, *Customary Law and Domestic Violence in Rural South African Communities* (Centre for the Study of Violence and Reconciliation, 2004).

³³ Murray A Straus, Richard J. Gelles and Suzanne K. Steinmetz, *Behind Closed Doors: Violence in the American Family* (Routledge, 2017) 25.

³⁴ Christine Hughes, Mara Bolis, Rebecca Fries and Stephanie Finigan, 'Women's Economic Inequality and Domestic Violence: Exploring the Links and Empowering Women' (2015) 23(2) *Gender and Development* 279-297.

³⁵ Shelly Grabe, Rose Grace Grose and Anjali Dutt, 'Women's Land Ownership and Relationship Power: A Mixed Methods Approach to Understanding Structural Inequities and Violence against Women' (2015) 39(1) *Psychology of Women Quarterly* 7-19.

opportunity to introduce innovative initiatives in subnational units (such as women-run police stations in Brazil).³⁶ It may foster competition which can lead to subnational units adopting successful reforms initiated in other subnational units (such as the ongoing reforms of domestic violence legislation across Australian states).³⁷ It may, by creating opportunities for the political representation of women in subnational units, lead to women-led policies and measures that reduce violence against women (such as the increased political representation of women at the village level in India and a large and statistically significant increase in the reporting of violence against women).³⁸ It may create multiple access points that enable the women's movement to forum shop in receptive subnational units (such as in Russia where a focus on Saint Petersburg by feminist activists revitalized support services for domestic violence victims despite an unsupportive central government).³⁹

Other gender equality experts identify examples of federal disadvantage in responses to violence against women which requires country-wide regulatory and policy measures to be effective. In federal systems this is hard to achieve because the women's movement is fragmented, reducing its ability to lobby for reform resulting in inconsistent outcomes across a country.⁴⁰ Additionally, decentralization may in some instances strengthen the power of patriarchal local elites to support harmful gendered traditional or religious practices.⁴¹

Many gender equality experts agree that collection of statistics and data in relation to the extent, causes and effects of violence against women at national, subnational and local level is essential to developing appropriate legislative and policy responses to violence against women. In a federal disadvantage this may be more difficult to coordinate in federal countries where the key 'collection' institutions are managed by different subnational units. At local levels collection may be non-existent.⁴²

A post conflict period can result in increased violence against women as male fighters return to the community. This results partly because of the general state of anarchy and chaos but also as an element of heightened aggression and militarisation and prevailing constructions of masculinity promoted during conflict.⁴³ In federal countries this might pose greater risks for women who may have less protection in some subnational units that are experiencing conflict, or in countries moving to a federal

³⁶ Cecília MacDowell Santos, *Women's Police Stations: Gender, Violence, and Justice in São Paulo, Brazil* (Springer, 2005).

³⁷ Jill Vickers, 'Is Federalism Gendered? Incorporating Gender into Studies of Federalism' (2012) 43(1) *Publius. Journal of Federalism* 1-23, 15; Louise Chappell and Jennifer Curtin, 'Does Federalism Matter? Evaluating State Architecture and Family and Domestic Violence Policy in Australia and New Zealand' (2013) 43(1) *Publius: The Journal of Federalism* 24-43, 30-32.

³⁸ Lakshmi Iyer, Anandi Mani, Prachi Mishra and Petra Topalova, 'The Power of Political Voice: Women's Representation and Crime in India' (2012) 4(4) *American Economic Journal: Applied Economics* 165-193, 167. However, note that a study in Argentina found that increasing women's subnational political representation had no impact on the level of protections provided in provincial based domestic violence laws. Catalina Smulovitz, 'Legal Inequality and Federalism. Domestic Violence Laws in the Argentina Provinces' (2015) 57(3) *Latin American Politics* 1-26, 16, 19.

³⁹ Vickers, above n 37, 9; Louise Chappell, 'Federalism and Social Policy: The Case of Domestic Violence' (2001) 60(1) *Australian Journal of Public Administration* 59-69; Janet Johnson, Meri Kulmala and Maija Jappinen, 'Street-level Practice of Russia's Social Policymaking in Saint Petersburg: Federalism, Informal Politics, and Domestic Violence' (2016) 45(2) *Journal of Social Policy* 287-304, 304.

⁴⁰ Vickers, above n 37, 15; Heather MacRae, 'Multiple Policy Scales and the Development of Parental Leave Policy in Germany' in Melissa Haussman, Marian Sawyer and Jill Vickers (eds) *Federalism, Feminism and Multi-Level Governance* (Ashgate: 2010) 127-141, 128.

⁴¹ Valerie Hudson, Donna Bowen, and Perpetua Nielson, 'What Is the Relationship between Inequality in Family Law and Violence against Women? Approaching the Issue in Legal Enclaves' (2011) 7(4) *Politics and Gender* 453-492.

⁴² Lanyan Chen, 'Gender Statistics and Local Governance in China: State Feminist versus Feminist Political Economy Approaches' (2016) 225 *The China Quarterly* 190-213.

⁴³ Nadje Al-Ali, 'Reconstructing Gender: Iraqi Women between Dictatorship, War, Sanctions and Occupation' (2005) 26(4-5) *Third World Quarterly* 739-758, 742.

system to solve territorial, ethnic or religious conflict.⁴⁴ For example, in Iraq the rates of domestic violence heightened after men returned home from the war zones.⁴⁵ This is problematic in all countries recovering from conflict. However, in new or existing federal countries it may be difficult to ensure suitable measures are implemented across all subnational units (including at local levels) to respond appropriately to a rise in violence against women.⁴⁶ Additionally, strategies to engage men and boys in preventing gender-based violence must be developed to counter violence against women, and this may be more challenging to implement in a decentralized environment.⁴⁷

4.4 FEDERAL ADVANTAGES AND FEDERAL DISADVANTAGES: VIOLENCE AGAINST WOMEN

4.4.1 LEGAL MEASURES

4.4.1.1 CONSTITUTIONAL PROHIBITION OF VIOLENCE AGAINST WOMEN

All women have a basic human right to live free from violence guaranteed by human rights conventions and declarations.⁴⁸ A prohibition of violence against women in the national constitution is an important symbolic statement that violence against women is seriously regarded by the nation and also provides a powerful tool, since it is supreme law, to ensure that other legislation prohibits all forms of violence against women. It further provides a mechanism for victims to seek remedies.

Good Practice Examples:		
South Africa	Nepal	Iraq
<p>Constitution of South Africa 1996</p> <p>Article 71(12)(1). Everyone has the right to freedom and security of the person, which includes the right (c) to be free from all forms of violence from either public or private sources.</p>	<p>Constitution of Nepal 2015</p> <p>Article 38(3). There shall not be any physical, mental, sexual or psychological or any other kind of violence against women, or any kind of oppression based on religious, social and cultural tradition, and other practices. Such an act shall be punishable by law and the victim shall have the right to be compensated as provided for in law.</p>	<p>Constitution of Iraq 2005</p> <p>Article 29(4). All forms of violence and abuse in the family, school, and society shall be prohibited.</p>

⁴⁴ Samantha Bradley, 'Domestic and Family Violence in Post-Conflict Communities. International Human Rights Law and the States Obligation to Protect Women and Children' (2018) 20(2) *Health and Human Rights* 123-136.

⁴⁵ Deniz Kandiyoti, 'Between the Hammer and the Anvil: Post-Conflict Reconstruction, Islam and Women's Rights' (2007) 28(3) *Third World Quarterly* 503-517; Jinan Usta, Jo Ann M. Farver and Lama Zein, 'Women, War, and Violence: Surviving the Experience' (2008) 17(5) *Journal of Women's Health* 793-804.

⁴⁶ Onyemelukwe, above n 3, 3.

⁴⁷ Juliana Carlson, Erin Casey, Jeffrey L. Edleson, Richard M. Tolman, Tova B. Neugut and Ericka Kimball, 'Strategies to Engage Men and Boys in Violence Prevention: A Global Organizational Perspective' (2015) 21(11) *Violence against Women* 1406-1425.

⁴⁸ *UN Declaration on the Elimination of Violence against Women* 1993.

In federal countries a constitutional prohibition of violence against women has particular significance since it binds subnational units and therefore sets a standard for them to adhere to. Very few national constitutions around the world prohibit violence against women however, and amongst federal countries only four countries do so. South Africa and Iraq prohibit violence against all persons, Nepal specifically prohibits violence against women and Ethiopia prohibits laws, customs and practices that oppress or cause bodily or mental harm to women.⁴⁹

4.4.1.2 DOMESTIC VIOLENCE LEGISLATION

Domestic violence is the intentional use of violence, threats, force or intimidation to control or manipulate a family member, spouse, former spouse or household member.⁵⁰ Domestic violence is widespread globally in both unitary and federal countries.⁵¹ Indeed, an estimated 50,000 women are killed by intimate partners or family members annually⁵² and up to 70 per cent of women experience physical and/or sexual violence from an intimate partner in their lifetime.⁵³ As well as providing protection to victims and deterring offenders, targeted domestic violence law, makes a strong and visible public statement of the seriousness with which a country views domestic violence. Importantly, it highlights and acknowledges the structural dimensions of domestic violence, rather than viewing it as an 'addition' to other societal crimes. Recent research, that included a number of federal countries, indicates that women who live in countries with domestic violence laws have seven percent lower likelihood of experiencing violence compared with women living in countries without such laws.⁵⁴

In some federal countries the power to enact civil domestic violence legislation remains with the central parliament (for example in Argentina) while in others the power is allocated to the subnational units (for example in Australia and Canada). In others the power is shared, however, national action has been taken to ensure a uniform approach to domestic violence legislation (for example in India). In federal countries where domestic violence law is determined by the central parliament, the challenges and opportunities are similar to unitary countries. The challenge is to ensure that the central parliament enacts and implements good practice domestic violence legislation. In federal countries where that power is allocated to subnational units, the challenge is to ensure that good practice legislation is enacted uniformly across those units.

⁴⁹ *Constitution of Ethiopia* 1995, Article 35(4).

⁵⁰ Malavika Karlekar, 'Domestic Violence' (1998) 33(27) *Economic and Political Weekly* 1741-1751; see also Ameeta S Kalokhe, Ratnaprabha R. Potdar, Rob Stephenson, Kristin Dunkle and Seema Sahay, 'How Well Does the World Health Organization Definition of Domestic Violence Work for India?' (2015) 10(3) *PLoS ONE* <<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0120909>> for a comprehensive discussion on defining domestic violence in India.

⁵¹ UNODC, *Global Study on Homicide. Gender-Relating Killing of Women and Girls* 2018, 10.

<https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender-related_killing_of_women_and_girls.pdf>

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ Klugman, above n 2, 86.

Most federal countries do have comprehensive domestic violence legislation as illustrated in Table 1 below. Indeed, regardless of whether the power to enact domestic violence legislation is allocated to the central parliament, to subnational units or is a shared power most have responded to both international pressure and the local women’s movement to enact legislation. Although they vary in their breadth and the protections they offer, the legislative frameworks that have been enacted in federal countries are generally in accord with good practice norms. Those federal countries that do not have domestic violence legislation (the FSM, the Russian Federation, the United Arab Emirates, and most subnational units in Pakistan and Iraq) face other challenges that are likely not associated with federal governance mechanisms. For example, in Russia, activists attribute the failure to pass comprehensive national legislation – despite fifteen years and dozens of versions – to fierce resistance from the Orthodox Church which sees such legislation as ‘anti-family.’⁵⁹

Federal Advantage Examples

India

In India the power to enact domestic violence legislation is shared between the central government and the 36 central subnational units. The central government took action and enacted a national domestic violence law in 2005 after sustained pressure from the women’s movement.⁵⁵ It was the first legislation to be passed after a process of democratic participation by community and civil society. Across India prevailing social beliefs about family relations include the view that men have a right or obligation to punish and discipline female family members in order to maintain order at home and in society at large, that domestic relationships are legitimately hierarchical, and that God made men and women ‘essentially’ different and that these differences contribute to different familial roles, rights, and duties, which are crucial to the cohesion and stability of the family.⁵⁶ The law challenges those norms building a general ethos against domestic violence.

Australia

In Australia the power to regulate domestic violence is allocated to the 8 subnational units, each of which has enacted domestic violence legislation, in part resulting from pressure from the women’s movement. Australian gender equality experts have argued that federalism offered a positive opportunity for the development of domestic violence legislation through forum shopping, learning and innovation.⁵⁷ Indeed, decades of mostly conservative central government did not hinder the enactment and gradual improvement of domestic violence legislation across all subnational units as the women’s movement targeted receptive units individually. Additionally, in an example of policy transfer successful innovative amendments in subnational units were swiftly adopted in other units. For example, a broader definition of domestic violence to include financial and psychological abuse was adopted first by Western Australia and then subsequently by all subnational units.⁵⁸

⁵⁵ Christine Forster and Jaya Sagade, *Women’s Human Rights in India* (Routledge, 2019) 110.

⁵⁶ *Ibid* 113.

⁵⁷ Louise Chappell and Mayet Costello, ‘Australian Federalism and Domestic Violence Policy-Making’ (2011) 46(4) *Australian Journal of Political Science* 633-650, 638, 642.

⁵⁸ *Ibid*.

⁵⁹ Christina Misner-Pollard, ‘Domestic Violence in Russia: Is Current Law Meeting the Needs of Victims and the Obligations of Human Rights Instruments’ (2009) 3 *Columbia Journal of European Law* 145 -188; Janet Johnson, Meri Kulmala and Maija Jäppinen, ‘Street-level Practice of Russia’s Social Policymaking in Saint Petersburg: Federalism, Informal Politics, and Domestic Violence’ (2016) 45(2) *Journal of Social Policy* 287-304, 300.

Good Practice Domestic Violence Legislation

1. A comprehensive definition of domestic violence to encompass the variety of ways in which women experience domestic violence including physical, sexual, emotional and psychological, and economic abuse. It may also include stalking, specific cultural harms, and harassment.
2. All domestic, family and intimate partner relationships should be protected by the legislation including immediate and extended family, spouse and former spouse, de-facto partner and former de facto partner, close personal relationships, caregivers, domestic workers, and any other dependant person.
3. Protection orders (also known as restraining orders, apprehended violence orders or non-molestation orders) which prohibit the offender from making contact, harming, or harassing the victim should be available.
4. Emergency orders (also called interim, safety or temporary orders) immediately and easily available granted on an *ex parte* basis (which means without any requirement for the offender to be notified or participate in the process) should be available.
5. Occupation orders, issued by the court to determine and regulate the occupation of the family home, should be available. They can be issued to enforce the victim's right to remain home or to restrict the offender's right to occupy or re-enter the home. The marital home is often in the male spouse's name which can make it difficult for a woman to leave a relationship if she has no means of supporting herself or has nowhere else to go.
6. The breach of a protection order should be a criminal offence with a significant penalty, increased for subsequent breaches.
7. Targeted domestic violence offences are symbolically and practically important and should be part of the legal regulation of domestic violence. While common assault offences, present in most criminal law frameworks, can be utilized to prosecute offenders in some limited circumstances of domestic violence, they are insufficient to incorporate the complexity and specificity of domestic violence and typically perceive harm only in terms of physical abuse.

* UN Women, Handbook for Legislation on Violence Against Women (2012) 1-68.

Table 1. Domestic Violence Legislation in Federal Countries

Country	Allocation of Law-Making Power	Domestic and Family Violence Legislation
Argentina	Central	National Law: Law to Protect, Punish and Eradicate Violence Against Women in Interpersonal Relationships 2009
Australia	Subnational	Domestic violence legislation in every state/territory
Austria	Central	National Law: Protection Against Domestic Violence Act 1997
Belgium	Shared	Law to Combat Violence Against Partners 1997
Bosnia and Herzegovina	Central	National Law: Law on Protection from Domestic Violence 2005
Brazil	Shared	National Law: Maria de Pehna Law 2006
Canada	Subnational	National Law: Domestic violence legislation in every province.
Comoros	Central	Uniform Family Law
Ethiopia	Central	No domestic violence legislation.
Federated States of Micronesia	Subnational	No domestic violence legislation.
Germany	Central	National Law: Act on Civil Law Protection Against Violence
India	Concurrent	National Law.
Iraq	Subnational	Domestic Violence Legislation in one subnational Unit: Act of Combating Domestic Violence in Kurdistan region Iraq 2011
Malaysia	Central	Domestic Violence Act 1994
Mexico	Central	General law on Women's Access to a Life Free from Violence
Nepal	Central	Domestic Violence (Offence and Punishment) 2009
Nigeria	Central	Violence Against Persons (Prohibition) Act 2015
Pakistan	Subnational	Domestic violence legislation in one subnational unit: Punjab protection of Women against Violence Act 2016
Palau	Central	National Law. Family Protection Act 2012
Russian Federation	Central	No domestic violence legislation
Saint Kitts and Nevis	Central	National Law. Domestic Violence Act 1998
South Africa	Central	National Law. Domestic Violence Act 1998
Switzerland	Central	No domestic violence legislation although protection orders available for all victims of violence.
United Arab Emirates	Central	No domestic violence legislation
United States	Shared	National Law. Violence Against Women Act 1994
Venezuela	Central	National Law. Organic Law on the Right to Women to a Life Free from Violence 2006

* Sourced from each country's register of legislation

4.4.1.3 SEXUAL ASSAULT LEGISLATION

Sexual assault is widespread globally in both unitary and federal countries. Indeed, an estimated 15 million adolescent girls (aged 15 to 19) worldwide have experienced sexual assault.⁶⁰ In the vast majority of countries, women are most at risk of sexual assault by a current or former husband, partner or boyfriend.⁶¹ However, an estimated seven percent of women worldwide are sexually assaulted by someone other than a partner, a new study has found.⁶² The available data likely underestimates the true magnitude of sexual violence because of the stigma and blame that leads to under-reporting.⁶³ Like other forms of violence against women, research indicates that sexual violence leads to short and long-term health consequences particularly psychological injuries such as low self-confidence, depression, suicidal thoughts, flashbacks, nightmares, anxiety, emotional numbing, and insomnia and alcohol abuse,⁶⁴ and wider consequences including economic losses such as medical bills, legal bills, the costs of moving, replacing damaged or lost household items and replacing school uniforms and equipment when children change schools, and loss of income if they are unable to retain their employment.⁶⁵

In most countries sexual assault offences are contained in a criminal or penal code and in most federal countries the power to enact criminal law is allocated to the central parliament. Exceptions include Australia and the United States which both allocate the power to enact criminal law to the subnational units. All federal countries have sexual assault laws enacted either centrally or subnationally. However, they differ significantly in their content depending on a range of factors including: the country's colonial history (for example, the Federation of the States of Micronesia previously colonized by the United States has several sexual assault laws similar to the United States);⁶⁶ whether there has been any progressive reform (for example, India's sexual assault laws have been recently reformed although remnants of the original British colonial framework remain, for example the failure to criminalize marital rape);⁶⁷ and the

⁶⁰ UNICEF, *A Familiar Face: Violence in the Lives of Children and Adolescents* (UNICEF, 2017) 7. <<https://data.unicef.org/resources/a-familiar-face/>>

⁶¹ Claudia García-Moreno and Christina Pallitto, *Global and Regional Estimates of Violence against Women: Prevalence and Health Effects of Intimate Partner Violence and Nonpartner Sexual Violence* (WHO, 2013) 2.

⁶² Ibid.

⁶³ Caroline Taylor and Caroline Norma, 'The Ties that Bind: Family Barriers for Adult Women seeking to Report Childhood Sexual Assault in Australia' (2013) 37 *Women's Studies International Forum* 114-124; Don Soo Chon, 'Police Reporting by Sexual Assault Victims in Western and in Non-Western Countries' (2014) 29(8) *Journal of Family Violence* 859-868.

⁶⁴ Gayle Brewer, Mark Roy and Yvonne Smith, 'Domestic Violence: The Psychosocial Impact and Perceived Health Problems' (2010) 2 *Journal of Aggression, Conflict and Peace Resolution* 4-15, 12, 13.

⁶⁵ Ko Ling Chan and Esther Cho, 'A Review of Cost Measures for the Economic Impact of Domestic Violence' (2010) 11 *Trauma, Violence and Abuse* 129-143, 138.

⁶⁶ Christine Forster, 'Sexual Offences Law Reform in Pacific Island Countries: Replacing Colonial Norms with International Good Practice Standards' (2010) 33(3) *Melbourne University Law Review* 833-854, 835.

⁶⁷ *Criminal Law (Amendment) Act, 2013* (Nirbhaya Act).

strength of the women's movement in advocating for reform (for example significant reform has occurred in Australia and Canada because of sustained pressure from the women's movement).⁶⁸

Since in most federal countries sexual assault offences are enacted by the central parliament, the challenges and opportunities are similar to unitary countries. All federal countries originally enacted sexual assault laws premised on the lack of honour and the breach of morality in sex outside of marriage and a view of rape as the infringement of men's property rights (a wife being considered the 'property' of her husband). The challenge, therefore, is to reform outdated laws to refocus them on the harm to the victim.

Good practice in sexual assault legislation in federal countries is varied and cannot be directly linked to a federal system. In Australia, where the power to legislate criminal law is allocated to the subnational units, sexual assault legislation in each subnational unit is generally in accord with good practice (although there is variation and capacity for reform). However, the discriminatory defence of honest and reasonable belief in consent (which enables a defendant to argue he believed she did consent to the sexual relations) remains in two jurisdictions - New South Wales and Queensland - despite its removal in all other

Good Practice Sexual Assault Legislation

1. Serious sexual assaults should be defined to include anal penetration, oral genital contact or penetration with objects, and penile penetration.
2. All other forms of non-consensual sexual touching and contact should be criminalized.
3. Terms such as defilement, indecent assault, insulting the modesty and carnal knowledge suggest that the law is not about women's right to physical integrity but public morality. They should be replaced with gender neutral terms such as sexual assault and aggravated sexual assault.
4. Consent is a standard defence to a sexual assault offence. It should require a person to actively ensure that they have obtained consent before proceeding with sexual relations.
5. Force should not be required to establish lack of consent. This is discriminatory, because strong or armed offenders or persons in a position of authority and trust often do not utilize physical force and many offenders subdue their victims with verbal coercion, particularly in a familial setting where the victim may have been 'groomed' over a period of time.
6. Sexual offences against children where consent is not available as a defence are termed statutory rape and provide important protection for children. Children do not, because of their vulnerability, have capacity to give consent to sexual acts.
7. Serious minimum penalties ensure that offenders of sexual offences are adequately punished. Penalties should be graded to become more serious when there are aggravating factors such as breach of trust, group offences, multiple or continuous offences, use of threats and violence, serious harm caused or the use of weapons.
8. The marital rape immunity justified on the basis that a woman loses her independent legal identity upon marriage and ability to consent to sexual relations is discriminatory and should be abolished.

⁶⁸ Doris Buss and Jennifer Koshan, 'Sexual Assault in Canada: Law, Legal Practice and Women's Activism' (2015) 27 *Canadian Journal of Women and the Law* 130-147.

subnational units.⁶⁹ It is impossible to determine however, whether, if the power to legislate was centrally allocated this defence would be unavailable nationally. In India, where the power to enact criminal law lies with the central parliament, extensive reforms of sexual assault law were conducted following the controversial gang rape and murder of a young woman on a bus in New Delhi, which was widely reported in local and international media.⁷⁰ This reform shifted the focus (although not entirely) from sexual assault as a breach of morality to one that more effectively represents the invasion of physical integrity of the victim.⁷¹

Federal Disadvantage Example

United States

In an example of the complexity of utilizing federal governance mechanisms to address sexual assault, Native American women in the US have faced particular hurdles in access to justice in sexual assault perpetrated by non-Native men on Native American land, because of the quasi-sovereignty of Native American reservations. Native American tribal courts did not have authority to prosecute non-Native men who sexually assaulted Native American women, while subnational courts did not have jurisdiction over sexual assaults perpetrated on Indian land. However, Native American women are more than 2 ½ times more likely to be sexually assaulted than non-indigenous women and 86 percent of reported assaults are committed by non-Native men. The *Violence Against Women Act*, a federal law, was enacted in 1994. It required complex legal manoeuvres, because it covered two areas of law under state control – criminal law and family law. The legislation was justified by Congress through its power under the Commerce Clause and Section 5, the equal protection clause of the Constitution. Congress determined that the failure of subnational units to adequately address the problem of violence against women resulted in a serious national problem which substantially affected interstate commerce and prevented the victims from obtaining equal protection of the laws. The *Violence Against Women Act* has been reauthorized three times in 2000, 2005, and 2013. In 2013, when President Obama reauthorized the Act, he gave new authority for tribal courts to have jurisdiction over criminal cases brought by tribes against non-members - including non-Native persons - that arise under the legislation, solving the predicament of Native American women who are sexually assaulted by non-Native men.⁷² To date President Trump has not reauthorized the legislation illustrating the precariousness of the legislation in the US federal system.

⁶⁹ The Queensland *Criminal Code* 1899 states that 'Consent means consent freely and voluntarily given by a person with cognitive capacity to give consent' (s348(1)) however the Code also provides a defence of mistake of fact where 'a person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things' (s 24). See Bri Lee, 'Young Lady, That's Inappropriate: How the Legal System Works Against Women'(2017) 56 *Griffith Review* 203-213 for a critique of the defence.

⁷⁰ Ashutosh Misra and Simon Bronitt, 'Reforming Sexual Offences in India: Lessons in Human Rights and Comparative Law' (2014) 2(1)*Griffith Asia Quarterly*37-56, 40; Thomas Poell and Sudha Rajagopalan, 'Connecting Activists and Journalists: Twitter Communication in the Aftermath of the 2012 Delhi Rape' (2015) 16(5) *Journalism Studies*719-733; Soma Chaudhuri and Sarah Fitzgerald, 'Rape Protests in India and the Birth of a New Repertoire' (2015) 14(5) *Social Movement Studies*622-628.

⁷¹ Justice Verma, Justice Seth, Gopal Subramaniam, *Report of the Committee on Amendments to the Criminal Law*, January 23 2013.

⁷² James Diamond, 'Practicing Indian Law in Federal, State and Tribal Criminal Courts: An Update About Recent Expansion of Criminal Jurisdiction Over Non-Indians' (2018) 32 94) *Criminal Justice* 9-12, 9.

4.4.1.4 PROHIBITION ON HARMFUL CUSTOMARY AND TRADITIONAL PRACTICES

Customary and traditional practices can harm the physical and psychological integrity of women. Harmful practices include forced marriages,⁷³ female genital cutting and other ritual operations,⁷⁴ dowry violence,⁷⁵ and accusations of sorcery against women resulting in punishment.⁷⁶ In some cultures, women are murdered by male members of their families if they are perceived to have brought dishonour to the family⁷⁷ or have to have contravened prevailing social and cultural norms.⁷⁸ This can include premarital or out of marriage sex, being a victim of sexual assault or rape, not agreeing to enter an arranged marriage, requesting a divorce, seeking to escape marital violence, or selecting their own life partner, career, or clothing.⁷⁹

Although harmful customary and traditional practices are a problem in both unitary and federal countries, decentralization in federal countries has, in some instances - in an example of federal disadvantage - fostered a resurgence, growth and entrenchment of harmful traditional practices.⁸⁰ This can occur when local elites, dominated by men, are given control over local justice. Traditional beliefs that men have a right to control women, and cultural traditions that devalue girls, can result in a social and community climate that tolerates exploitative relationships between men and women, leaving women vulnerable.⁸¹ While effective elimination of these practices requires more than law alone, a constitutional prohibition of harmful customary practices in federal systems can play an important deterrent role and indicate a national view of the seriousness of the damage inflicted on women.

In an example of federal advantage in Nepal, the new federal system led to the establishment of Department of Women and Children district-level offices in each of Nepal's 75 districts. The Department was then able to launch the Kishori Programme in every district to provide an intervention in adolescent girl's lives with a primary aim of reducing violence, child marriage and other traditional practices. The Programme provides a 10-day training for 15-20 girls covering a range of topics. It includes a life-skills curriculum that covers reproductive health, violence against women and child marriage including harmful traditional practices. Utilizing 'close to the community' knowledge, the Programme begins with a focus on livelihoods (e.g. farming and sewing) to allay concerns of parents and community. Although researchers concluded it would be more effective if it included men and boys and identified other weaknesses, the

⁷³ Radhika Coomaraswamy, *Cultural Practices in the Family that are Violent Towards Women* UN ESCOR, 2002, (UN Doc E/CN.4/2000/2/83) at para 63.

⁷⁴ United Nations Division for the Advancement of Women United Nations Economic Commission for Africa, *Background Paper for Expert Group Meeting on Good Practices in Legislation to Address Harmful Practices against Women* (United Nations Conference Centre Addis Ababa, Ethiopia 25 to 28 May 2009) 3.

⁷⁵ Coomaraswamy, above n 73.

⁷⁶ Maakor Quarmyne, 'Witchcraft: A Human Rights Conflict between Customary/Traditional Laws and the Legal Protection of Women in Contemporary Sub-Saharan Africa' (2010) 17 *William and Mary Journal of Women and the Law* 475 -507.

⁷⁷ Phyllis Chesler, 'Worldwide Trends in Honor Killings' (2010) *Middle East Quarterly* 3-11; Andrzej Kulczycki and Sarah Windle, 'Honor Killings in the Middle East and North Africa: A Systematic Review of the Literature' (2011) 17(11) *Violence against Women* 1442-1464.

⁷⁸ Veena Meetoo and Heidi Safia Mirza, 'There is Nothing 'Honourable' about Honour Killings: Gender, Violence and the Limits of Multiculturalism' in Mohammad Mazher Idriss and Tahir Abbas (eds) *Honour, Violence, Women and Islam* (Routledge-Cavendish, 2010) 50-74.

⁷⁹ *Ibid.*

⁸⁰ Kathryn Robinson, 'Sawerigading vs Sharia: Identities and Political Contestation in Decentralised Indonesia' (2011) 39 *Asian Journal of Social Science* 219-237.

⁸¹ Yvonne Rafferty, 'International Dimensions of Discrimination and Violence against Girls: A Human Rights Perspective' (2013) 14(1) *Journal of International Women's Studies* 1-23.

Programme has had some impact on countering harmful traditional practices.⁸²

4.4.2 NON-LEGAL MEASURES

4.4.2.1 NATIONAL PLAN OF ACTION ON VIOLENCE AGAINST WOMEN

A national plan of action on eliminating violence against women, as recommended by the Beijing Platform for Action,⁸³ can offer a coordinated and sustained approach across a country enabling all sectors to coordinate and systematize their responses. It can increase the legitimacy of a policy of ending violence against women by elevating the political profile of the issue and by forcing the allocation of funds to implementation of the plan.⁸⁴ Many national action plans on eliminating violence against women include (often in an annex attached to the plan) a schedule of activities and objectives, including awareness-raising and education, and engaging men and boys, training and capacity-building exercises, prosecution, punishment and rehabilitation of perpetrators, and research activities. The institutions which are responsible for implementing each activity are identified, as well as a detailed time-frame of goals and undertakings.⁸⁵ A specific budget for the implementation of the targets and activities identified in the plan is also essential for its effective operation and implementation.⁸⁶

In a federal country a national plan of action on eliminating violence against women is significant because it offers a coordinated and systematic national response that can ensure uniformity in subnational approaches and generate certainty for victims. National action plans are, however, rare in federal countries. This report located current national plans of action on eliminating violence against women in Australia, Belgium, and Mexico. The scarcity of national plans of action in federal countries may reflect the difficulty in coordinating policy across multiple subnational units all with competing and differing priorities.⁸⁷ In Australia, the central government has developed the plan with the support of, and in partnership with, subnational units. Encouraging such partnerships in federal countries can shift a federal disadvantage to a federal advantage by enabling the input and innovation of multiple units to develop the best possible plan to counter violence against women.

4.4.2.2 PROVISION OF SPECIALIZED SERVICES FOR VICTIMS

The provision of specialized, gender-sensitive and appropriate health, police, justice and social

⁸² Fiona Samuels, Anita Ghimire and Matthew Maclure, 'Continuity and Slow Change. How Embedded Programmes Improve the Lives of Adolescent Girls' in Caroline Harper, Nicola Jones, Anita Ghimire, Rachel Marcus and Grace Kyomuhendo Bantebya (eds) *Empowering Adolescent Girls in Developing Countries. Gender Justice and Norm Change* (Routledge, 2018) 177-190, 180, 186.

⁸³ Beijing Platform for Action, Fourth World Conference on Women, 15 September 1995 (A/CONF.177/20) at para 124.

⁸⁴ Gwendolyn Gray, 'Women, Federalism and Women Friendly Policies' (2006) 65(1) *Australian Journal of Public Administration* 24-45, 41.

⁸⁵ Caroline Bettinger-Lopez, *Developing a National Plan of Action on Violence Against Women and Gender Violence: A Human Rights Approach* (2018).

⁸⁶ UN Women, *Handbook for National Action Plans on Violence Against Women* (UN Women, 2012). <http://www.unwomen.org//media/headquarters/attachments/sections/library/publications/2012/7/handbooknationalactionplans_onvawen%20pdf.pdf?la=en&vs=1502>

⁸⁷ Linda White, 'Understanding Canada's Lack of Progress in Implementing the UN Convention on the Rights of the Child: The Intergovernmental Dynamics of Children's Policy Making in Canada' (2014) 22(1) *The International Journal of Children's Rights* 164-189, 172.

services to women victims of gender-based violence can significantly mitigate the consequences on their well-being, health and safety, assist in recovery and empowerment, and assist in stopping violence from reoccurring.⁸⁸ Such services might include a safe-shelter for victims, trauma and counselling services, access to sexual and reproductive health services, emergency medical care, and swift justice system action against offenders.

National Action Plan Examples		
Australia	Belgium	Mexico
National Plan to Reduce Violence against Women and their Children 2010 – 2022.	National Action Plan to Combat all Forms of Gender-Based Violence, 2015-2020	National plan for the prevention of violence against women and girls 2019-2021

The provision of such specialized services is, however, in an example of federal disadvantage, challenging in a decentralized setting. In order to provide specialized services an understanding of the gendered nature of violence against women, its causes, and its consequences, is required. Additionally, specialized services for women victims of violence must be delivered within a culture of women’s empowerment.⁸⁹ Ensuring those understandings in each subnational unit, including at the local governance level, so that the gender-sensitive services are available consistently across the country, is problematic. Moreover, if the fiscal allocation does not support specialized services this will provide another obstacle to their implementation. Research has shown that cuts to funding often result in specialized services to women being hit hardest.⁹⁰

In an example of both federal advantage and federal disadvantage policing, a critical service for women victims of violence, is typically decentralized in federal countries. Women victims of gender-based violence must trust police and be confident that the police will respond with sensitive and appropriate service or they will not report violence.⁹¹ This requires subnational police forces to create gender-sensitive policing cultures. Indeed, in many countries, police disbelieve domestic violence and sexual assault victims and refuse to enforce the law on their behalf.⁹² Instead, the action required by police to ensure the safety of victims includes early intervention and the arrest and removal of the offender from the scene of violence.

⁸⁸United Nations Joint Global Programme on Essential Services for Women and Girls Subject to Violence, *Essential Services Package for Women and Girls Subject to Violence Core Elements and Quality Guidelines* 2015. <<http://www.unwomen.org/en/digital-library/publications/2015/12/essential-services-package-for-women-and-girls-subject-to-violence>>

⁸⁹ Ibid Module 1, 12.

⁹⁰ Erin Sanders-McDonagh, Lucy Neville and Sevasti-Melissa Nolas, 'From Pillar to Post: Understanding the Victimisation of Women and Children who Experience Domestic Violence in an Age of Austerity' (2016) 112(1)*Feminist Review* 60-76; Lesley Pruitt, Gemma Hamilton, Georgina Heydon and Ceridwen Spark 'Abbott's 'Budget Crisis', CALD Women's Loss? Service Providers Explore the Impact of Funding Cuts, (2017) 52(3) *Australian Journal of Political Science* 335-350, 336.

⁹¹ Michele Decker, Charvonne N. Holliday, Zaynab Hameeduddin, Roma Shah, Janice Miller, Joyce Dantzler and Leigh Goodmark, "'You Do Not Think of Me as a Human Being": Race and Gender Inequities Intersect to Discourage Police Reporting of Violence against Women' (2019) *Journal of Urban Health* 1-12.

⁹² Marijke Malsch and Wilma Smeenk (eds) *Family Violence and Police Response: Learning from Research, Policy and Practice in European Countries* (Taylor and Francis, 2011).

Across the globe, women are under-represented in policing. For example, recent data shows that the proportion of female police officers is 6 percent in India, 10 percent in the United States,⁹³ and 38 percent in Australia's federal police.⁹⁴ While policing, in an example of gender role stereotyping, is typically considered a masculine occupation, federalism has been utilized in some federal countries to bring more women into local police forces.⁹⁵ For example, subnational units in Argentina, Brazil and India have introduced women-run police stations.⁹⁶ In India, the creation of police stations employing only female officers who are specialized in handling sensitive crimes committed against women, such as domestic violence, sexual assault and other forms of gender-specific offenses, was innovative in the Indian context.⁹⁷ In an example of 'policy transfer', after the first women's police station in the world opened in Kerala in 1973, women-run police stations were opened in many other cities across India. In 2020 there are over 500 women-run stations in India. Research indicates the opening of women-run stations increased the reporting of crimes committed against women by 22 percent overall, and was accompanied by a commensurate increase in arrest rates.⁹⁸ Women-run police stations have not been adopted globally, despite their success in India, but many countries have specially trained female officers at every station to receive reports from women of gender-based violence.⁹⁹

4.4.2.3 EDUCATION AND PUBLIC AWARENESS

Violence against women is supported and perpetuated by pervasive social norms. For example, societal acceptance of violence against women as a 'family matter', traditional beliefs that men have a right to control or discipline women through physical means, gender role stereotypes of submissive girls and dominant boys that continue in school curriculum, and images and portrayals of women in media as victims of violence, socially legitimize violence against women.¹⁰⁰ In order to effectively address violence against women, comprehensive communications campaigns, including collaboration with media, traditional and religious leaders, and educators are required to change social norms, remove gender role stereotyping and promote zero tolerance for violence against women.¹⁰¹ In federal countries there are challenges to countering harmful social norms and gender role stereotypes through education and public awareness. However, these can be shifted to federal advantages with interventions.

⁹³ Tim Prenzler and Georgina Sinclair, 'The Status of Women Police Officers: An International Review' (2013) 41(2) *International Journal of Law, Crime and Justice* 115–131.

⁹⁴ Australian Federal Police Staff Statistics. <<https://www.afp.gov.au/news-media/facts-and-stats/afp-staff-statistics>>

⁹⁵ Tiffany Barnes, Emily Beaulieu and Gregory W. Saxton, 'Restoring Trust in the Police: Why Female Officers Reduce Suspicions of Corruption' (2018) 31(1) *Governance* 143-161; Salomon Alcocer Guajardo, 'Women in Policing: A Longitudinal Assessment of Female Officers in Supervisory Positions in the New York City Police Department' (2016) 26(1) *Women and Criminal Justice* 20-36.

⁹⁶ Cecília MacDowell Santos, *Women's Police Stations. Gender, Violence, and Justice in Sao Paulo, Brazil* (Palgrave, 2005); Sofia Amaral, Prakash Nishith and Sonia Bhalotra, 'Gender, Crime and Punishment: Evidence from Women Police Stations in India' (2018). <http://barrett.dyson.cornell.edu/NEUDC/paper_32.pdf>

⁹⁷ Mangai Natarajan, *Women Police in a Changing Society* (Ashgate, 2008).

⁹⁸ Amaral, Nishith and Bhalotra above n 96, 3.

⁹⁹ Amalia R. Miller and Carmit Segal Miller, 'Do Female Officers Improve Law Enforcement Quality? Effects on Crime Reporting and Domestic Violence Escalation' (2018) *REVIEW OF ECONOMIC STUDIES* found higher rates of reporting in the United States in police-stations where women officers were available to receive complaints.

¹⁰⁰ Klugman, above n 3, 27.

¹⁰¹ Rafferty, above n 81, 10.

Federal Advantage 'Policy Transfer' Examples

India	South Africa
<p>MustBol, a campaign in India, aimed at reducing violence against women supported by the UN, began by targeting youth in Delhi who are active and potential social media users. The campaign focuses on self, body, family, peers, intimate relationships, and workplace leveraging social media as a key venue for social interactions among young people, men and women as a space to talk, share and discuss. The campaign uses creative media to generate thought-provoking discussions on gender and violence.¹⁰² Due to its success, in an example of 'policy transfer' it has now reached out to young persons in subnational units across the country.</p>	<p>Soul City, a campaign launched in South Africa by an NGO, has gradually expanded across 7 of South Africa's nine subnational units in an example of 'policy transfer'. It uses television (through a soap opera series), radio and printed materials to change gender role stereotypes that lead to violence against women. The series was accompanied by information booklets and an evaluation of the fourth series, which focused on intimate partner violence, resulted in a decrease in participants' acceptance of intimate partner violence and an increase in the belief that communities can play a role in preventing intimate partner violence following the series. The intervention facilitated community co-operation, public discussion, and action on intimate partner violence.¹⁰³</p>

designed to accelerate social change, eradicate stereotypes that lead to violence against women, and stimulate discussion and debate about violence against women and the traditions and customs that oppress women and girls.¹⁰⁴ In federal countries this can generate opportunities for 'policy transfer'. This has been demonstrated in relation to the involvement of young men and boys and the use of technology and media that young people utilize in the examples of MustBol and Soul City (see box below), where innovative public awareness campaigns have been replicated in other centres.

Firstly, if the federal country is divided along linguistic lines (for example as in India) communications can be delivered in multiple and local languages.

Secondly, the educational curriculum can utilize materials that do not reinforce gender role stereotypes, have positive images of girls and women, and teach positive ethical norms around appropriate conflict resolution. Since most federal countries allocate the power to deliver education to subnational units, this can become a federal disadvantage if there is no regional support or local commitment in ensuring a gender sensitive education system that is free from gender role stereotypes that perpetrate violence against women. The women's movement can, however, lobby for national standards for educational curriculum.

Finally, policy makers and community leaders at regional and local levels must be educated on violence against women so they can implement effective public awareness campaigns

¹⁰²Caroline Liou, *Using Social Media for the Prevention of Violence against Women* (Partners for Prevention, 2013) <http://partners4prevention.org/sites/default/files/resources/socialmedia_final.pdf>

¹⁰³Changing Cultural and Social Norms Supportive of Violent Behavior <https://www.who.int/violence_injury_prevention/violence/norms.pdf>

¹⁰⁴WHO, *RESPECT Women: Preventing Violence against Women* (WHO, 2019). <<https://www.who.int/reproductivehealth/publications/preventing-vaw-framework-policymakers/en/>>

4.4.2.4 DATA COLLECTION

The consistent and accurate collection of national, subnational and local level statistics and data in relation to the extent, causes and effects of violence against women, and on the effectiveness of measures to prevent and respond to violence - including rates of violence, reporting, criminal prosecutions and convictions and on the successful (or unsuccessful) delivery of services - are necessary to understand the real situation of women.¹⁰⁵ Data that accurately identifies all aspects of violence against women is central to the development of targeted law reform, to inform the policies and programmes required to effectively prevent and respond to violence against women and to inform budget making.¹⁰⁶ Rigorous data and evidence are also a powerful advocacy tool for the women's movement to lobby for laws, policies and increased resources to respond effectively to violence against women.

In an example of federal disadvantage, it can be difficult to ensure the systematic and coordinated collection of comprehensive data through surveys and other collection methods in federal countries. Shifting this to a federal advantage might require coordination by the central government.¹⁰⁷ Official statistics are typically compiled and produced by National Statistical Offices based on data from surveys and/or administrative sources (such as the police, prosecutors, courts, social welfare, social services, child protection, shelters, hotlines, health and education). In a federal country, where subnational units have the responsibility to deliver and manage many of these administrative data sources, the challenges to collecting consistent nationwide data are many. For many ministries, agencies and organizations data collection - both general and specifically in relation to violence against women - is not their primary responsibility. Many ministries and agencies do not have data collection systems that go beyond the internal administrative needs of their own organization, making it difficult to compare data. As a result, data is often unevenly or irregularly collected within and across sectors, ministries and agencies in different subnational units. However, if data collection can be organized and coordinated in federal countries the results might be potentially richer, given the multiple sources of data and the potential for comparison between subnational units.¹⁰⁸

4.5 CONCLUSION

This section began by examining the extent, prevalence, causes and effects of violence against women. It explored the relationship between federal models of governance and violence against women. Importantly, the section identified and analyzed the federal advantages in the form of policy transfers of innovative measures such as women-run police stations, forum shopping in receptive units by the women's movement and their allies, and the ability to lobby multiple access points for legal reforms such as good practice domestic violence legislation and sexual offences legislation. It also considered the

¹⁰⁵ See CEDAW Committee, General Recommendation 19, *Violence against Women* (1992) (UN Doc A/47/38); CEDAW Committee General Recommendation 35, *Gender-Based Violence against Women* (2017) (CEDAW/C/GC/35).

¹⁰⁶ WHO, above n 102.

¹⁰⁷ CEDAW Committee General Recommendation 9, *Statistical Data Concerning the Situation of Women* 1989 (U.N. Doc. A/44/38).

¹⁰⁸ UN Women, *ASEAN Regional Guidelines on Violence against Women and Girls Data Collection and Use* (2018). <<http://www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2018/04/asean-vawg-data-guidelines.pdf?la=en&vs=5541>>

federal disadvantages created when subnational units do not prioritize women's safety rights leading to inconsistent measures across a country, or when fragmentation inhibited the development of national responses such as a national action plans on violence against women. Finally, this section identified the importance of comprehensive data collection on the incidence and characteristics of violence against women to the development of effective responses. Although coordination of the collection of data may represent a federal disadvantage it could be shifted to a federal advantage if effective collection methods are developed and lead to a rich and complex dataset derived from multiple sources.

FAMILY RELATIONS

This section overviews: firstly, the importance of equality in the family to women's empowerment (5.2); secondly, the relationship, in general terms, between federal systems and equality in the family (5.3); and thirdly, the federal advantages and federal disadvantages to establishing and implementing consistent country-wide family laws that do not discriminate against women (5.4).

Introduction	5.1	◇
Family Relations and Gender Equality	5.2	◇
Federalism and Family Relations	5.3	◇
Federal Advantages and Federal Disadvantages	5.4	◇
Country-Wide Non-Discriminatory Family Law	5.4.1	◇
Separating Religion from Family Law	5.4.2	◇
Ending Discriminatory Customary and Traditional Practices	5.4.3	◇
Independent Family Law Courts and Decision-Making Bodies	5.4.4	◇
Conclusion	5.5	◇

FAMILY RELATIONS

5.1 INTRODUCTION

The family is a societal institution in which women experience discrimination and marginalization. Indeed, some argue that gender inequality in family relations underlies all other aspects of the discrimination and disadvantage that women experience, weakening their ability to participate equally in both the private and public sphere.¹ Family relations are governed by family law (formal and informal), by religion, and by customary and traditional practices. In some instances, religious rules and customary and traditional practices intersect with and are validated by law, while in other instances they operate outside the law.

In federal countries inequality in family relations raises particular and significant challenges. Indeed, some gender equality experts argue that in an example of federal disadvantage, the allocation of the power to regulate the family to subnational units, to religious authorities, or to customary law systems, make embedded discriminatory rules and practices difficult to dislodge, resulting in inconsistency in family status across different subnational units² and fragmentation in the women's movement reducing its ability to lobby for family law reform.³ However, there are also examples of federal advantage. Federal systems create opportunities for innovative measures and 'policy transfer' and creating 'forum shopping' opportunities in receptive units. These have been utilized by the women's movement and their allies to amend or modify discriminatory laws and practices and deliver positive outcomes for women in the family.

This section overviews: firstly, the importance of equality in the family to women's empowerment (5.2); secondly, the relationship, in general terms, between federal systems and equality in the family (5.3); and thirdly, the federal advantages and federal disadvantages to establishing and implementing consistent country-wide family laws that do not discriminate against women (5.4).

5.2 FAMILY RELATIONS AND GENDER EQUALITY

The family is a powerful social institution in all countries, federal and unitary, where women experience subordination, discrimination, marginalization and violence. Discrimination against women in the family takes multiple forms. Globally, every year 12 million girls are married under-age, often denying them education with an increased risk of violence, abuse, ill health or early death.⁴ Women's right to marry,

¹ UN Women, *Progress of the Worlds Women. In Pursuit of Justice* 2011, 3. <<http://www.unwomen.org/en/digital-library/publications/2011/7/progress-of-the-world-s-women-in-pursuit-of-justice>>

² Gwendolyn Gray, 'Federalism, Feminism and Multilevel Governance: The Elusive Search for Theory' in Melissa Haussman, Marian Sawer and Jill Vickers (eds) *Federalism, Feminism and Multi-Level Governance* (Ashgate, 2010) 27.

³ Heather MacRae, 'Multiple Policy Scales and the Development of Parental Leave Policy in Germany' in Melissa Haussman, Marian Sawer and Jill Vickers (eds) *Federalism, Feminism and Multi-Level Governance* (Ashgate, 2010) 127-141, 128.

⁴ Jaya Sagade, *Child Marriage in India: Socio-Legal and Human Rights Dimensions* (Oxford University Press, 2005) 175-192 who discusses in detail the adverse consequences of child marriage.

divorce and remarry are often constrained⁵ and polygyny (where men have multiple wives) is lawful in some countries.⁶ Violence against women in the family context is at epidemic proportions⁷ and women experience discrimination in inheritance rules,⁸ face poverty and lack of financial support after relationship and marriage breakdown,⁹ have their non-financial contributions to marriage discounted in marital property division regimes,¹⁰ and are responsible for the majority of domestic work and child-care within the family.¹¹ Discrimination and violence against women within the family, in turn, hinders their ability to generate an independent income, to participate equally in educational opportunities, and to take an equal role in all areas of decision-making in the public sphere.

Gender inequality in the family is maintained, in large part, by systems of family law—secular, religious and customary—which support gender role stereotypes, gender roles and a resulting gendered division of labour. Family law consists of (often gendered) legal norms governing the formation and internal relations of family social units and the rights and duties flowing between and amongst family members. Various examples of the multiple ways that family laws discriminate against women can be identified. Firstly, marriage laws that do not provide an equal marriageable age of 18 often designating a younger age for females,¹² that do not mandate the full and free consent of both parties, that do not require the registration of marriage, and that do not void marriages when they do not meet these requirements, repress women’s rights in relation to marriage and are discriminatory.¹³

Secondly, divorce laws that have different rules for men and women, such as triple talaq (Arabic for divorce), which enables a husband (but not a wife) to divorce his wife upon announcing talaq three times,¹⁴ and fault-based divorce that requires proof of a ‘matrimonial offence’ such as desertion, cruelty, adultery or habitual rape, are examples of laws which entrench gender inequality. Fault-based divorce laws, operating in some federal countries (for example India, Malaysia, Pakistan, Palau, and the Federated States of Micronesia) place women in the difficult position of having to provide evidence of situations that

⁵ Elizabeth Brake, *Minimizing Marriage: Marriage, Morality, and the Law* (Oxford University Press, 2011); Yakin Erturk, ‘Foreword’ in Aisha Gill and Sundari Anitha (eds) *Forced Marriage: Introducing a Social Justice and Human Rights Perspective* (Zed Books Ltd., 2012).

⁶ Susan Ross, ‘Polygyny as a Violation of Women’s Right to Equality in Marriage: An Historical, Comparative and International Overview’ (2002) 24 *Delhi Law Review* 375-384.

⁷ UNODC, *Global Study on Homicide. Gender-Related Killing of Women and Girls* 2018, 10. <https://www.unodc.org/documents/dahttps://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender-related_killing_of_women_and_girls.pdf

⁸ Marco Casari and Maurizio Lisciandra, ‘Gender Discrimination in Property Rights: Six Centuries of Commons Governance in the Alps’ (2016) 76(2) *The Journal of Economic History* 559-594; Issa Khan, , Faruk Abdullah, Noor Naemah, Abdul Rahman, Mohd Roslan, Bin Mohd Nor, Mohd Yakub, Zulkifli Bin and Mohd Yusoff, ‘The Right of Women in Property Sharing in Bangladesh: Can the Islamic Inheritance System Eliminate Discrimination?’ (2016) 5(1) *SpringerPlus* 1695.

⁹ David De Vaus, Matthew Gray, Lixia Qe and David Stanton, ‘The Effect of Relationship Breakdown on Income and Social Exclusion’ (2010) *Social Security, Poverty and Social Exclusion in Rich and Poorer Countries* (Intersentia, 2010); Peteke Feijten and Clara H. Mulder, ‘Gender, Divorce and Housing—a Life Course Perspective’ in *Wohnen und Gender* (VS Verlag für Sozialwissenschaften, 2010) 175-193.

¹⁰ Carol Smart, *The Ties That Bind (Routledge Revivals): Law, Marriage and the Reproduction of Patriarchal Relations* (Routledge, 2013).

¹¹ Jane Parpart and Sharon Stichter (eds), *Women, Employment and the Family in the International Division of Labour* (Springer, 2016).

¹² Muazzam Nasrullah, Rubeena Zakar, Muhammad Zakria Zakar and Alexander Krämer, ‘Girl-Child Marriage and its Association with Morbidity and Mortality of Children under 5 years of age in a Nationally-Representative Sample of Pakistan’ (2014) 164(3) *The Journal of Pediatrics* 639-646.

¹³ Aisha Gill and Sundari Anitha, ‘Coercion, Consent and the Forced Marriage Debate in the UK’ *Marital Rights* (Routledge, 2017) 133-152.

¹⁴ Ahmad Nehaluddin, ‘A Critical Appraisal of ‘Triple Divorce’ in Islamic Law’ (2009) 23(1) *International Journal of Law, Policy and the Family* 53-61.

may be humiliating, embarrassing, or which may interfere with their dignity and privacy.¹⁵ Additionally, in some countries forgiveness by the 'injured party' can include restoration of marital rights and prevent a divorce from proceeding. Such a process is discriminatory to women because it does not consider the possible power imbalance that might result in the coercion of a female spouse into 'forgiving' her male spouse.¹⁶

Thirdly, spousal maintenance, the provision of financial support by one party to a marriage or relationship to the other party after separation and/or divorce, is not available in some family laws. Many families organize their lives during marriage on the basis that one spouse, typically the wife, forgoes employment opportunities or career advancements to focus on raising children and providing domestic support to the family unit, while the other spouse, typically the husband, works for financial gain. The result is that the spouse providing domestic support is at a huge financial disadvantage after separation and divorce in terms of future employment opportunities and earning potential.¹⁷ If spousal maintenance is unavailable or inadequate then women must make a decision to either remain in a relationship that is failing or even violent, or leave or face poverty.¹⁸

Fourthly, child maintenance, a payment made by the parent not providing the day-to-day care of the child (often the father) to the parent providing the day-to-day care of the child (often the mother) in order to meet the needs of the child, is in some countries limited or unavailable. When it is available it is often not determined on the basis of the best interests of the child as the paramount consideration, the universally accepted principle on which all child matters should be based.¹⁹

Fifthly, a marital property division regime, which determines the way in which property acquired during the course of a marriage or relationship is distributed at its end, is either absent or does not recognize the non-financial contributions that women make to marriages and relationships. A legislative framework that ensures that property is divided equally and fairly when the marriage ends is critical to women's economic independence and to ensure women can leave violent or failing marriages and relationships.²⁰

Finally, customary and traditional practices or religious rules and practices that discriminate against women in marriage and family relations are validated in the family laws of many countries.²¹

¹⁵ Shurlee Swain and Danielle Thornton, 'Fault, Gender Politics and Family Law Reform' (2011) 57(2) *Australian Journal of Politics and History* 207-220; Muhammad Zubair Abbasi, 'Women's Right to Unilateral No-Fault Based Divorce in Pakistan and India' (2016) 7(1) *Jindal Global Law Review* 81-95.

¹⁶ Carol Rogerson, 'Child Support, Spousal Support and the Turn to Guidelines' in *Routledge Handbook of Family Law and Policy* (Routledge, 2014) 153-163.

¹⁷ Ibid.

¹⁸ June Carbone and Naomi Cahn, 'Marriage, Parentage, and Child Support' (2011) 45 *Family Law Quarterly* 219-240.

¹⁹ See Article 16(f) of the *Convention on the Elimination of Discrimination against Women* 1979; General Recommendation 21 of the CEDAW Committee, and Article 3 of the *Convention on the Rights of the Child* 1989.

²⁰ In General Recommendation 29(46) the CEDAW Committee requires that state parties provide 'for equality between the parties in the division of property accumulated during the marriage.'
<<https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>>

²¹ Muna Ndulo, 'African Customary Law, Customs, and Women's Rights' (2011) 18(1) *Indiana Journal of Global Legal Studies* 87-120; Gopika Solanki, *Adjudication in Religious Family Laws: Cultural Accommodation, Legal Pluralism, and Gender Equality in India* (Cambridge University Press, 2011).

5.3 FEDERALISM AND FAMILY RELATIONS

The role of governance mechanisms in reducing or alternatively perpetuating women's inequality in the family is difficult to determine since discrimination in the family exists in all countries federal and unitary. Indeed, research indicates that the most significant regulatory factors that foster gender equality in the family are: family laws that enshrine women's human rights standards;²² the separation of religion from family laws;²³ the prohibition and prevention of traditional, customary and religious rules and practices that discriminate against women whether formally recognized as law or operating informally unrecognized by law;²⁴ and independent courts and decision-making bodies that effectively enforce human rights compliant family law.²⁵

In a federal country the primary challenges are to ensure country-wide non-discriminatory family laws and that the laws are enforced through independent courts and other decision-making bodies. Some federal countries have enacted a national family law (Australia) but in other federal countries family law is delivered through multiple subnational laws which regulate family relations in each subnational region (such as in Mexico). In some federal countries the powers to regulate the family is shared (such as in Canada). Additionally, in other federal countries, some or all family laws are sourced from religious systems or from traditional and customary norms and practices (such as India, Pakistan, Nepal and Ethiopia). Family law can be formally recognized as part of a country's legal system, but it can also be informal and operating in rural, remote and sometimes urban communities. Family laws depend on courts for enforcement, but in some subnational units family laws are administered by informal bodies such as tribal councils, caste panchayats, or religious bodies.²⁶ Each approach to family law offers federal advantages and 'federal disadvantages'.

A national family law provides consistency and if the law is not discriminatory and in accord with international norms such as those represented in *CEDAW* this offers a good practice standard in both unitary and federal countries. However, if the law is not in accord with human rights standards, in federal countries the women's movement may be able to lobby receptive subnational units for reform, in an example of federal advantage.

The allocation of the power to regulate the family to either subnational units or to religious authorities creates federal disadvantages in many instances. Federalism allows, and even encourages, social, cultural, ethnic and religious differences to be expressed by the subnational units. However, in the institution of family these very differences can lead to discrimination against women. For example, if family law is determined through religious personal status laws (which often discriminate against women), enforced by and through decision-making bodies staffed by religious authorities who are usually men, it

²² Brigitte Mabandla, 'Women in South Africa and the Constitution-Making Process' in S. Peters and Andrea Wolper (eds) *Women's Rights, Human Rights* (Routledge, 2018) 67-71.

²³ Mala Htun and S. Laurel Weldon, 'State Power, Religion, and Women's Rights: A Comparative Analysis of Family Law' (2011) 18(1) *Indiana Journal of Global Legal Studies* 145-165, 159.

²⁴ Nahda Shehada, 'Uncodified Justice: Women Negotiating Family Law and Customary Practice in Palestine' (2004) 47(1) *Development* 103-108.

²⁵ Ihsan Yilmaz, 'Pakistan Federal Shariat Court's Collective Ijtihād on Gender Equality, Women's Rights and the Right to Family Life' (2014) 25(2) *Islam and Christian-Muslim Relations* 181-192.

²⁶ Endalcatchew Bayeh, 'The Place of Customary and Religious Laws and Practices in Ethiopia: A Critical Review of the Four Modern Constitutions' (2015) 4(4) *Social Sciences* 90-93.

can be difficult to reform these laws and further women's equality in the family.²⁷ It can also disadvantage women when subnational units support customary and traditional practices that discriminate against women.²⁸ Additionally, in another federal disadvantage some gender equality experts argue that allocating the power to regulate the family to subnational units or to religious systems creates inconsistency and uncertainty in family status in different subnational units, particularly in the context of increased mobilization of families across and between subnational units.²⁹

Other gender equality experts argue, however, that the allocation of the power to regulate the family to subnational units can deliver federal advantages for women in the family, particularly if local male elites are supportive of gender equality in the family. It does this by creating the opportunity to introduce innovative family law initiatives in subnational units, fostering competition or collaboration which may lead to their introduction to other subnational units.³⁰ Subnational units which are closely located to the communities they serve may be better able to understand and respond to the discrimination women experience in the family.³¹ Additionally, if the representation and participation of women is enhanced through extra opportunities created by multiple levels of governance, this could in turn lead to policies and measures that increase equality in the regulation of the family in both the formal and informal decision-making spaces.³² Finally, the allocation of the power to regulate the family to subnational units can create multiple access points enabling the women's movement to 'forum shop' and focus on family law reform in receptive subnational units.³³

5.4 FEDERAL ADVANTAGES AND FEDERAL DISADVANTAGES: FAMILY RELATIONS

5.4.1 COUNTRY-WIDE NON-DISCRIMINATORY FAMILY LAW

Equality in the family relies upon and is fostered by family law that meets human rights norms of good practice.³⁴ Indeed, the law has historically granted men enormous power in this domain, placing women in a subordinate position to men within the family, which is then replicated in the economy, citizenship and in all areas of decision-making in the public sphere.

²⁷ Tanja Herklotz, 'Law, Religion and Gender Equality: Literature on the Indian Personal Law System from a Women's Rights Perspective' (2017) 1(3) *Indian Law Review* 250-268, 256.

²⁸ Fergus Kerrigan, Anne McKay, Annali Kristiansen, Helene Kyed, Lise Dahl, Paul Dalton, Mie Roesdahl and Nuria Vehils, *Informal Justice Systems* (UNDP, UN Women, UNICEF, 2009).

<https://www.undp.org/content/dam/undp/library/Democratic%20Governance/Access%20to%20Justice%20and%20Rule%20of%20Law/Informal-Justice-Systems-Charting-a-Course-for-Human-Rights-Based-Engagement.pdf>

²⁹ Libby Adler, 'Federalism and Family' (1999) 8 *Columbia Journal of Gender and the Law* 197-259, 198.

³⁰ Jill Vickers, 'Is Federalism Gendered? Incorporating Gender into Studies of Federalism' (2012) 43(1) *Publius. Journal of Federalism* 1-23, 15.

³¹ Ibid.

³² Aksel Sundström and Daniel Stockemer, 'What Determines Women's Political Representation at the Local Level? A Fine-Grained Analysis of the European Regions' (2015) 56(3) *International Journal of Comparative Sociology* 254-274.

³³ Vickers, above n 30, 9.

³⁴ Htun and Weldon, above n 23, 451.

Non-Discriminatory Family Law

1. Equal marriageable age of 18
2. Requirement for full and free consent from both parties to a marriage
3. Requirement for marriages to be registered
4. No-fault divorce
5. Spousal maintenance based on equality
6. Child custody based on the best interests of the child
7. Child support based on the needs of the child
8. Marital property division regime that recognizes women's non-financial contributions
9. Equal inheritance rules

In federal countries where family law is determined by the central parliament, the challenges and opportunities are similar to unitary countries. The key challenge is to ensure that a good practice family law is enacted. In an example of federal advantage, if a national human rights-compliant family law is enacted then this will result in certainty and uniformity for women across the country. In Australia, for example, the *Family Law Act 1975*, a national law that covers most (but not all) family relations issues, although not flawless, is generally in accord with women's human rights norms.³⁵ Some gender equality experts argue, however, that a uniform family law stifles the opportunity for improving family laws through innovation and policy transfer.³⁶

In federal countries where the power to regulate the family is allocated to subnational units or to religious or customary systems, there is often inconsistency and a failure to uniformly reflect women's human rights standards of good practice - an example of federal disadvantage. Additionally, according to some gender equality experts, federal countries that allocate the power to regulate family relations to subnational units often do

so for reasons which are not supportive of gender equality.

Firstly, they argue that the state often views the regulation of the family as a moral issue and that the local community is best placed to determine how morals should be reflected in the local family laws.³⁷ However, family law should reflect the principles of equality and non-discrimination and the rights of women as guaranteed by human rights law rather than local standards of morality. Secondly, they argue federal reluctance to regulate the family reflects a gendered stratification in which federal attention is reserved for public matters of 'national' significance such as defence, budget and foreign affairs³⁸ not 'family squabbles'.³⁹ However, the regulation of family relations is of national importance given the

³⁵ Many Indian feminists argue that a uniform civil code is necessary to eliminate discrimination in the plural personal laws of India. Partha Gosh, *Politics of Personal Law in South Asia: Identity, Nationalism and the Uniform Civil Code* (Routledge, 2018); Vasudha Dhagamwar, *Towards the Uniform Civil Code* (Indian Law Institute, 2015); Nivedita Menon, 'A Uniform Civil Code in India: The State of the Debate in 2014' (2014) 40(2) *Feminist Studies* 480-486.

³⁶ See Louise Chappell and Jennifer Curtin, 'Does Federalism Matter? Evaluating State Architecture and Family and Domestic Violence Policy in Australia and New Zealand' (2012) 43(1) *Publius: The Journal of Federalism* 24-43, 31, 37 where the authors compared two similar countries - New Zealand a unitary country and Australia a federal country - and found numerous examples of policy transfer and innovation in Australia and much fewer in New Zealand.

³⁷ Adler, above n 29, 199, 207.

³⁸ Adler, above n 29, 203.

³⁹ Adler, above n 29, 204; Vickers, above n 30; Susan Williams, 'Federalism and Gender Equality' (2018) 46 *Federal Law Review* 491-519, 501.

centrality of the family to public and private life.⁴⁰ If the power to regulate the family is allocated to subnational units then many gender equality experts argue that good practice standards should be put in place by the central government.⁴¹ For example, in India while each state is free to regulate most aspects of marriage, the central government has enacted legislation prohibiting under-age marriage.⁴² The *Constitution of Ethiopia* 1995, in an example of good practice, explicitly states: 'Laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited'.⁴³

Federal Disadvantage Example

United States

The 50 subnational units of the United States each have separate marriage laws. Same-sex marriage was first recognized in the state of Virginia in the 1967 landmark civil rights case of *Loving v. Virginia*. Same-sex marriage was subsequently and gradually recognized in more, but not all, subnational units in an example of 'policy transfer.' Ultimately the Supreme Court held in 2017 that marriage is a fundamental right guaranteed by both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. However, for a long period there was uncertainty for women in same-sex marriages when they crossed into different subnational units. There was also inconsistency across the country.⁴⁴

Confusion and inconsistency can occur in federal countries in which the powers to regulate the family are shared between the central parliament and subnational units. Canada, where powers to regulate the family are shared, provides a good example of this. Generally federal laws apply to married persons, separating or divorcing individuals, while subnational laws apply to unmarried couples. In some situations, both sets of laws are potentially applicable. For women, this uncertainty impacts disproportionately because they are often financially vulnerable and need prompt outcomes. In particular, the multiple laws on child support led to confusion and inconsistency, impacting particularly on women, who typically retained custody of

children after separation and divorce. Utilizing its shared power, the federal parliament promulgated the Federal Support Guidelines quantifying and regularizing child support. Soon afterwards all subnational units (except Quebec) enacted identical rules resulting in vastly improved access to child support for persons with the day-to-day care of children, who are mostly women.⁴⁶ Although Quebec ultimately adopted an even more progressive approach to child support this can be seen equally as a federal advantage or a federal disadvantage given the inconsistency between Québec and the rest of Canada on this issue.

⁴⁰ Solomon Ebobrah and Felix Eboibi, 'Federalism and the Challenge of Applying International Human Rights Law Against Child Marriage in Africa' (2017) 61(3)*Journal of African Law* 333-354, 351.

⁴¹ Ibid.

⁴² *Prohibition of Child Marriage Act* 2006.

⁴³ *Constitution of Ethiopia* 1995, Article 35(4).

⁴⁴ Andrew Koppelman, *Same Sex, Different States: When Same-Sex Marriages Cross State Lines* (Yale University Press, 2006).

⁴⁵ Kate Bezanson, 'Feminism, Federalism and Families: Canada's Mixed Social Policy Architecture' (2018) 14 *Journal of Law and Equality* 169-198, 170.

⁴⁶ Robert Leckey and Carol Rogerson, 'Marriage, Family and Federal Concerns' in Natalie Des Rosiers, Patrick Macklem and Peter Oliver (eds) *The Oxford Handbook of the Canadian Constitution* (Oxford University Press, 2017).

Another approach that can foster country-wide human rights-compliant family law in federal countries is to include in the national constitution a right to sex equality. This can provide a standard against which family laws in subnational units can be measured. For example, the sex equality provisions in the Canadian Charter is responsible for significant changes to family law, increasing uniformity and gender equality across Canada.⁴⁹ In a new emerging federal country, or when a constitution is being revised, ensuring a robust sex equality provision is therefore important. Additionally, no exception from sex equality protection for customary and traditional practices or religious rules should be provided. While a constitution can and should reaffirm the importance of religious and customary traditions, it should clearly place women's rights to equality and non-discrimination above inconsistent interpretations of religion and custom.

Federal Disadvantage Shared Power Example

Australia

Australia's central parliament has exclusive legislative power over most family law matters including marriage, divorce, child custody, property division and spousal maintenance. However, the 8 subnational units have exclusive legislative power over child protection and family violence. The result is a messy array of family laws that make family relationship matters 'complicated, difficult and time-consuming'⁴⁷ for women to navigate. Sometimes women must pursue claims in both central and subnational courts over the same matter, and although cross-vesting is possible, it can be complicated to navigate.⁴⁸

Pakistan

Constitution

Article 8(1). Any law, or any custom or usage, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void.

Article 25(1) All citizens are equal before the law and are entitled to the equal protection of the law.

(2) There shall be no discrimination on the basis of sex.

Comment

Article 8 provides that custom is subject to Article 25 which guarantees equality and non-discrimination on the ground of sex. This is a positive example of ensuring that custom is lawful only when it does not discriminate against women and girls. Note, however, that elsewhere in the Pakistan Constitution Islamic rules are lawful and no similar protection against discriminatory Islamic rules is provided.

⁴⁷ Deborah Brennan, 'Federalism, Childcare and Multilevel Governance in Australia' in (eds) Melissa Haussman, Marian Sawyer and Jill Vickers *Federalism, Feminism and Multi-Level Governance* (Ashgate, 2010) 37-50, 43.

⁴⁸ Ibid.

⁴⁹ Susan Johnson, 'Family Matters: Justice Gender and Female Litigant Success in Family Law Cases in the Supreme Court of Canada' (2017) 38(4)*Justice System Journal* 332-347.

5.4.2 SEPARATING RELIGION FROM FAMILY LAW

Religious laws, when embedded in family law, tend to have a detrimental impact on women's rights as they often institutionalize patriarchal interpretations of religious precepts, customs and narratives.⁵⁰ In contrast, when family law is secular and separated from religious institutions it often supports greater gender equality.⁵¹ Although religious doctrine is not necessarily patriarchal, it was historically and continues to be so in many instances. Leaders and officials seeking to defend discriminatory family laws and practices have invoked Islam, Judaism, Hinduism, and Catholicism.⁵² There are numerous examples of religious rules in family law that discriminate against women. In some interpretations of Sharia law, women are required to obey their husbands, polygamy is permitted, unilateral divorce by a husband's verbal repudiation of his wife is legally recognized, and the father is the legal guardian of children, even after divorce.⁵³ In some interpretations of Jewish law, a man holds all the power to grant his wife a religious divorce (the get), and if a Jewish woman is entitled to a get and has not received one due to her husband's refusal, she will be called an agunah (chained wife). An agunah cannot marry again, and any children are automatically excluded from Judaism and are considered 'illegitimate'.⁵⁴ In secular countries also the vestiges of religious law often remain in family law, particularly in former colonies of Great Britain.⁵⁵ For example, legal concepts that discriminate against women, such as adultery (both a crime and a justification for a fault-based divorce) and restitution of conjugal rights (an order by the court for a spouse to resume conjugal relations with her spouse), persist in secular federal countries. For example, each of the 4 states of the Federated States of Micronesia continue to provide fault-based divorce if adultery can be proven by either party.⁵⁶ In India, the action for restitution of conjugal rights continues as part of the family law system for Hindus.⁵⁷ However, the origins of these concepts are ecclesiastical law and their rationales are premised on a view of 'sinful' behaviour 'against the order of god'.⁵⁸

Federal countries offer advantages and disadvantages in responding to the impact of religious laws on women's equality in the family.⁵⁹ In an example of federal disadvantage, some countries permit religious bodies to determine family law for their constituents. Alternatively in federal countries in which subnational units regulate the family without national standards, subnational units are free to incorporate discriminatory religious rules into family law.⁶⁰ In federal countries where religion is a source of family law

⁵⁰ Yüksel Sezgin, *Human Rights under State-enforced Religious Family Laws in Israel, Egypt and India* (Cambridge University Press, 2013) 47.

⁵¹ Tamir Moustafa, 'Judging in God's Name: State Power, Secularism, and the Politics of Islamic Law in Malaysia' (2013) 3(1) *Oxford Journal of Law and Religion* 152-167.

⁵² Htun and Weldon, above n 23, 459.

⁵³ Htun and Weldon, above n 23, 159.

⁵⁴ Pascale Fournier, Pascal McDougall and Merissa Lichtsztral, 'Secular Rights and Religious Wrongs-Family Law, Religion and Women in Israel' (2011) 18 *William and Mary Journal of Women and the Law* 333-362, 335; Moamen Goudaand Niklas Potrafke, 'Gender Equality in Muslim-Majority Countries' (2016) 40(4) *Economic Systems* 683-698.

⁵⁵ Raj Kumari Agarwala, 'Restitution of Conjugal Rights under Hindu Law: A Plea for the Abolition of the Remedy' (2016) 12 *Journal of the Indian Law Institute* 257-268.

⁵⁶ *FSM Code 1997* [Title 6, Chapter 16, Subchapter 2], s 1626.

⁵⁷ *Hindu Marriage Act, 1955*, s 9; Christine Forster and Jaya Sagade, *Women's Human Rights in India* (Routledge, 2019).

⁵⁸ Forster and Sagade *ibid* 143.

⁵⁹ Htun and Weldon, above n 23, 452.

⁶⁰ Taiwo Kolawole and Kayode Yunus Adeigbe, 'Gender Discrimination and the Nigerian Scenario: A Review' (2016) 14(1) *Gender and Behaviour* 7071-7084.

(such as the United Arab Emirates, Malaysia, Nigeria, India, Pakistan and Iraq) it is difficult to change discriminatory religious rules and practices. The ability of women to lobby for reform is fragmented and some women, particularly those isolated in rural and remote regions, may accept discriminatory practices.

Federal Disadvantage Examples	
Nigeria	India
<p>In Nigeria there is a central family law, but subnational units have the power to adopt their own religion-based family laws. Twelve subnational units, in an example of Federal Disadvantage, have adopted their own version and interpretation of sharia law to regulate the family relations of Muslims. The laws discriminate against women and do not meet international women's human rights standards.⁶¹ Examples include: that women inherit half of what men do; that women do not have entitlement to spousal maintenance; and that men can have multiple wives.⁶² Although sharia rules do not apply to non-Muslim women living in these units, in an example of further Federal Disadvantage, evidence suggests that the public nature of these rules has resulted in increased discrimination experienced by non-Muslim women.⁶³</p>	<p>In India there are different personal laws for each religion including Hindu, Parsi, Christian, and Muslim, resulting in significant inconsistency for women across the country. Although there are different interpretations many aspects of the religious-based personal laws discriminate against women who are governed by different rules depending on their religion. For example, full and free consent is not required for Christian, Parsi and Hindu marriages; Hindu women are not entitled to spousal maintenance if she is 'unchaste'; and Muslim men can unilaterally divorce their wives. Although the <i>Constitution of India</i> 1950 gives the central parliament the power to enact a uniform personal code, they have not done so because it is strongly contested, largely on the grounds of protecting religious and cultural identity.⁶⁴</p>

For example, researchers who interviewed women in remote areas of Nigeria who were married under-age found they viewed early marriage as culturally normal. Interviewees emphasized the importance of family and women's role within the family. However, they also expressed subtle resistance, often conveyed through contradictions and tensions in the narrative.⁶⁵

Although examples of federal advantage are scarce, in Brazil and Argentina, where there was fierce resistance from the Roman Catholic Church to the legalization of divorce on religious grounds, the women's movement was able to focus on more receptive subnational units. Despite the fragmentation that the federal system imposed on their ability to lobby, they were able to build support regionally and locally and ultimately to force the Catholic Church to step back.⁶⁶ In federal countries where religion and state

⁶¹ Rotimi Suberu, 'Religion and Institutions: Federalism and the Management of Conflicts Over Sharia in Nigeria' (2009) 21 *Journal of International Development* 547-560, 552.

⁶² Aisha Balarabe Bawa, 'Muslim Women and Sharia Implementation in Northern Nigeria: An Overview of Fomwan' (2017) 18(1) *Unizik Journal of Arts and Humanities* 149-167.

⁶³ Mohammed Bolaji, 'Between Democracy and Federalism Sharia'ah in Northern Nigeria and the Paradox of Institutional Impetuses' (2013) 59(4) *Africa Today* 92-117, 108, 109.

⁶⁴ Flavia Agnes, 'Diverse Personal Laws, Gender Justice and Controversy over the Uniform Civil Code' in *Legal Pluralism and Indian Democracy* (Routledge India, 2017) 44-66.

⁶⁵ Jane Callaghan, Yaganama Gambo and Lisa C. Fellin, 'Hearing the Silences: Adult Nigerian Women's Accounts of 'Early Marriages' (2015) 25(4) *Feminism and Psychology* 506-527, 508.

⁶⁶ Htun and Weldon, above n 23, 159.

are firmly intertwined, such as United Arab Emirates, Malaysia and Pakistan, separating religion and family law poses many barriers. In an example of federal advantage however, local women have found space for their voices and have presented their claims within the religious framework of Islam.⁶⁷ Studies have provided a general overview of 'Islamic feminism' and its challenge to patriarchal interpretations of Sharia in family law systems, arguing the roots of female subjugation in the Islamic world do not lie in Islam, but in the patriarchal interpretation of Islamic ethics and beliefs.⁶⁸ Similarly, scholars have examined feminist voices in Pakistan, Indonesia, Malaysia and Bangladesh and their resistance to dominant interpretations of religious family laws.⁶⁹ Working alongside voices of resistance at local and regional levels from inside federal countries where religion and state are entwined and discriminatory laws persist may be a fruitful approach to change and reform.

5.4.3 ENDING DISCRIMINATORY CUSTOMARY AND TRADITIONAL PRACTICES

Discriminatory customary and traditional practices embedded in family law systems are problematic for women in both unitary and federal countries. Women are discriminated against or harmed in the family by traditional and customary practices in many regions of the world.⁷⁰ Examples of harmful practices include the practice of bride price or dowry, in which there is an exchange of goods and cash between the family of the bride and the family of the groom. This practice implies that the bride is being bought and in doing so 'demeans and dehumanizes the women involved'.⁷¹ Other examples include: polygyny (where men take multiple wives but women are not permitted more than one husband), which is prevalent in some cultures;⁷² customs subjecting girls to ritual operations;⁷³ sorcery accusations against women;⁷⁴ and honour killings of women.⁷⁵

⁶⁷ Chidi Anselm Odinkalu, 'Poor Justice or Justice for the Poor? A Policy Framework for Reform of Customary and Informal Justice Systems in Africa' (2006) 2 *The World Bank Legal Review* 141-167.

⁶⁸ Ziba Mir-Hosseini, 'Justice and Equality and Muslim Family Laws: New Ideas, New Prospects' in Abbas Poya (ed) *Sharia and Justice: An Ethical, Legal, Political, and Cross-cultural Approach* (De Gruyter 2018) 73-105, 74, 75.

⁶⁹ Emma Fulu and Stephanie Miedema, 'Globalization and Changing Family Relations: Family Violence and Women's Resistance in Asian Muslim Societies' (2016) 74(11-12) *Sex Roles* 480-494.

⁷⁰ Radhika Coomaraswamy, *Cultural Practices in the Family that are Violent Towards Women* UN ESCOR, 2002, (UN Doc E/CN.4/2000/2/83) at [63].

⁷¹ *Ibid* at [103]. See also Sue Farran, *Human Rights in the South Pacific: Challenges and Changes* (Federation Press, 2009) 179.

⁷² Adel Abadeer, *Norms and Gender Discrimination in the Arab World* (Springer, 2015).

⁷³ United Nations Division for the Advancement of Women United Nations Economic Commission for Africa, *Background Paper for Expert Group Meeting on Good Practices in Legislation to Address Harmful Practices against Women* (United Nations Conference Centre Addis Ababa, Ethiopia 25 to 28 May 2009) 3
<[https://www.un.org/womenwatch/daw/egm/vaw/legislation_2009/Background%20paper%20EGM%20\(10.06.0\)%20FINAL.pdf](https://www.un.org/womenwatch/daw/egm/vaw/legislation_2009/Background%20paper%20EGM%20(10.06.0)%20FINAL.pdf)>

⁷⁴ Maakor Quarmyne, 'Witchcraft: A Human Rights Conflict between Customary/Traditional Laws and the Legal Protection of Women in Contemporary Sub-Saharan Africa' (2010) 17 *William and Mary Journal of Women and the Law* 475-507.

⁷⁵ Phyllis Chesler, 'Worldwide Trends in Honor Killings' (2010) *Middle East Quarterly* 3-11; Andrzej Kulczycki and Sarah Windle, 'Honor Killings in the Middle East and North Africa: A Systematic Review of the Literature' (2011) 17(11) *Violence against Women* 1442-1464.

Federal Disadvantage Example

Palau

Palau, with 16 subnational units, has a central family law and a guarantee of sex equality in its constitution. However, according to the constitution, legislation only overrides customary law to the extent the statute is 'not in conflict with the underlying principles of the traditional law'. As a result, the formal central family law is seldom utilized and instead family relations are largely governed by customary rules, some of which are discriminatory to women.

discriminatory interpretations of family law rules.⁷⁹ Secondly, some federal countries do not have sex equality protections in their constitutions that can provide protection against the use of discriminatory customary practices (for example, Malaysia, Mexico, United Arab Emirates and Comoros). Thirdly, some federal countries have sex equality protections, but they exempt customary and traditional practices in relation to family relations from their protection (for example the Federated States of Micronesia). Fourthly, in some federal countries the national constitution specifically validates customary practices and traditions in relation to family relations (for example Ethiopia),⁸⁰ or prioritizes customary law over legislation (for example Palau).⁸¹ Fifthly, in some federal countries colonial authorities (particularly the British) codified local customary practices (for example in India and the Federated States of Micronesia), stifling the ability of customary practices to be dynamic, living and receptive to change, leaving women vulnerable to outdated

Although discriminatory customary and traditional practices are problematic in both unitary and federal countries, in an example of federal disadvantage, decentralization of the regulation of family relations has, in some instances, led to their resurgence, growth and entrenchment.⁷⁸ This has occurred for different reasons. Firstly, if there is no good practice national family law or guidelines to obligate subnational units to prohibit harmful practices then local elites may favour

Federal Advantage Example

South Africa

South Africa, although it has a central family law, also makes lawful customary practices in relation to family relations. South Africa has, however, a strong equality and non-discrimination provision in the *Constitution of South Africa* 1997. Although traditional leaders tried to exclude customary practices from the purview of the equality and non-discrimination provision in the Constitution, a strong women's lobby defeated that effort.⁷⁶ In 2005 a challenge was made to a customary rule of primogeniture (the right of the firstborn legitimate son to inherit his parent's entire estate) that applied in cases of intestate succession. The importance of sex equality protection was illustrated in the court decision that the rule was in violation of the constitutional right to human dignity and to sex equality.⁷⁷

⁷⁶ Bond, above n 76, 560.

⁷⁷ *Bhe and others v Magistrate Khayelitsha* 2005(1) SA 580.

⁷⁸ Johanna Bond, 'Gender, Discourse and Customary Law in Africa' (2010) 83 *Californian Law Review* 509-574, 518.

⁷⁹ Ibid.

⁸⁰ For example the *Constitution of Ethiopia* 1995 provides that: s 4. In accordance with provisions to be specified by law, a law giving recognition to marriage concluded under systems of religious or customary laws may be enacted. s 5. This Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law.' (Article 34)

⁸¹ For example the *Constitution of Palau* 1981 provides that: 'Statutes and traditional law shall be equally authoritative. In case of conflict between a statute and a traditional law, the statute shall prevail only to the extent it is not in conflict with the underlying principles of the traditional law.' (Article V, Sec. 2)

and inflexible traditional customs.⁸² Finally, in some federal countries customary and traditional practices are not validated by law but nevertheless operate 'in the shadow of the law' (for example in India where child marriage is prohibited by law yet the practice continues unabated). When such practices are occurring in the 'shadow of the law' in a decentralized context with no central oversight and a fragmented women's movement, it can be difficult to effect change.

In an example of federal advantage, providing subnational units with control over their customs and traditions may benefit women who value their cultural identity and seek non-discriminatory solutions that still recognize the cultural practices they value. Instead of imposing a uniform central prohibition on cultural practices, a federal system may enable women - as social agents - to play a significant role in determining cultural policies and reformulating cultural norms that value women's membership in cultural communities.⁸³ Gender equality and cultural and traditional practices can co-exist.⁸⁴ For example, in relation to marriage a central government can mandate an equal marriageable age of 18, that full and free consent must be given by both parties to the marriage, and that registration of marriage is compulsory.⁸⁵ Subnational units are then free to recognize all aspects of customary marriages that are not contrary to those minimum requirements.⁸⁶

5.4.4 INDEPENDENT FAMILY LAW COURTS AND DECISION-MAKING BODIES

An independent court system is important to the achievement of gender equality in family relations. Even if the laws are non-discriminatory, the ability to access a court or other decision-making body and file for divorce, child support or spousal maintenance is crucial. Without an accessible and fair system of decision-making through which women can enforce their family law rights, equality in the family will remain unachievable. In federal countries it is important that, if subnational units have separate court systems, they are independent. In the United States, for example, where there is a federal court system and a separate court system for each state, independence is maintained through subnational constitutions declaring the independence of and lengthy and secure tenures of judges.⁸⁷

In some federal countries, informal decision-making bodies, operating outside of the formal court system determine family relations disputes. Although they exist in both unitary and federal countries, in federal countries decentralization may make oversight and reform of these informal decision-making bodies challenging. They can be problematic for women because the rules they enforce and the remedies they prescribe are often discriminatory. However, despite the availability of formal courts they are utilized

⁸² Bond, above n 76, 510.

⁸³ Bond, above n 76, 511.

⁸⁴ Joe Abbink, 'Ethnic-based Federalism and Ethnicity in Ethiopia: Reassessing the Experiment after 20 Years' (2011) 5(4) *Journal of Eastern African Studies* 596-618, 603.

⁸⁵ See Forster and Sagade above n 57, 136.

⁸⁶ Kathryn Robinson, 'Sawerigading vs Sharia: Identities and Political Contestation in Decentralised Indonesia' (2011) 39 *Asian Journal of Social Science* 219-237.

⁸⁷ Nicholas Aroney and John Kincaid (eds), *Courts in Federal Countries: Federalists or Unitarists?* (University of Toronto Press, 2017).

by many women in rural and urban areas, particularly in decentralized countries, for a range of reasons. Firstly, the geographical distance and costs of access to the formal court system deter many women.⁸⁸

Secondly, the emphasis on reconciliation, restoration, compensation, and reintegration may be preferred by some women over formal court remedies, even when this returns them to violent or inequitable situations.⁹⁴ Thirdly, women may perceive the procedures and substantive norms of informal decision-making bodies, compared to those of formal justice systems, to be more in accordance with the local cultures and the social relations of their community, particularly if the formal court system has been inherited from a former colonizer.⁹⁵ Fourthly, many women view traditional leaders or religious leaders as holding the legitimate authority to adjudicate, decide or mediate family disputes.⁹⁶ Finally, accessing formal courts may lead to ostracization or even expulsion from a community, which for women may be an unmanageable outcome.⁹⁷

Federal Advantage Example

India

Nari adalats are 'women's courts', established originally in Indian state of Gujarat,⁸⁹ comprised of 12-14 women members selected by village leaders who mediate cases including divorce, disputes between women and their in-laws, and the abuse of widows, children and the elderly.⁹⁰ The *nari adalats* were so successful that they have been adopted, in an example of 'policy transfer', in other local districts across Uttar Pradesh, Gujarat and Karnataka.⁹¹ Although the remedies rely on compromise, reconciliation, settlement and forgiveness⁹² rather than women's human rights standards, they have legitimacy because they are local decision-making bodies run by local women. They provide an alternative to the formal legal system and the informal councils which otherwise determine family law issues.⁹³

To shift a federal disadvantage to a federal advantage action must be taken to ensure that informal decision-making bodies are not administering discriminatory family laws. For example, women are

⁸⁸ UN Women, UNDP, *Informal Justice Systems. Charting a Course for Human Rights Based Interventions* 1-28, 12. <https://www.unicef.org/protection/files/INFORMAL_JUSTICE_SYSTEMS_SUMMARY.pdf>

⁸⁹ Ravi J Matthai Centre for Educational Innovation Indian Institute of Management Ahmedabad, *Mahila Samakhya 2014: A National Review* (2014). <http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/Report-MSP.pdf>

⁹⁰ Radha Iyengar, 'Does the Certainty of Arrest Reduce Domestic Violence? Evidence from Mandatory and Recommended Arrest Laws' (2007) 93(1-2) *Journal of Public Economics* 85-98.

⁹¹ Manju Agrawal and Hai Kakul, 'Women Courts: An Alternative Justice System for Women' (2016) 77(1) *Indian Journal of Social Work* 53-66, 64; Sylvia Vatuk, 'The "Women's Court" in India: An Alternative Dispute Resolution Body for Women in Distress' (2013) 45(1) *The Journal of Legal Pluralism and Unofficial Law* 76-103.

⁹² Sally Engle Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle' (2006) 108(1) *American Anthropologist* 38-51, 47.

⁹³ Vasudha Nagaraj, 'Local and Customary Forums: Adapting and Innovating Rules of Formal Law' (2010) 17(3) *Indian Journal of Gender Studies* 429-450, 433-4, 441.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid 17.

Federal Disadvantage Example

Malaysia

Malaysia has 3 court systems - the federal court system, the native court system and the sharia court system. The sharia court system operates in the 14 subnational units that use sharia law to regulate family relations. Each is individually established and applies the local version of sharia law. In *Aishabt Abd Rauf v Wan Mohd Yusof bin Wan Othman* a husband unsuccessfully applied to the local sharia court for a polygamous marriage in the subnational unit of Selangor. He filed a second application in the neighbour subnational unit of Terengganu and was successful. The ability to 'forum shop' and lack of oversight or standard setting, in this case, led to a discriminatory outcome.

marginalized by customary modes of regulating family relations in caste panchayats and tribal councils in India, in traditional courts in South Africa, and through the shimagelle system of the Amhara in Ethiopia.⁹⁸ Decentralization has enabled informal decision-making bodies to regulate family relations in accord with discriminatory norms. Rather than abolishing these structures if women are supported to work with community based decision-making bodies reforming their structures, procedures and the substantive standards this may provide a better outcome than a 'top down' approach to non-discriminatory decision-making bodies because they have legitimacy and are solidly anchored in communities.⁹⁹

⁹⁸ Francesco Cecchi and Mequanint Biset Melesse, 'Formal Law and Customary Change: A Lab-in-field Experiment in Ethiopia' (2016) 125 *Journal of Economic Behavior and Organization* 67-85, 71.

⁹⁹ *Informal Justice Systems* above n 88, 12.

Sources of Family Law

Country	Division of Powers to Regulate Family Relations Central/Shared/ Sub-National	Sources of Family Law	Constitutional Guarantee of Sex Equality	Exemption for Religion and/or Customary Practices
Argentina	Central	Uniform Family Law	No	N/A
Australia	Central (some shared powers)	Uniform Family Law	No	N/A
Austria	Central	Uniform Family Law	No	N/A
Belgium	Subnational	Subnational Family Laws	Yes	No
Bosnia and Herzegovina	Central	Uniform Family Law	Yes	No
Brazil	Subnational	Subnational Family Laws	Yes	No
Canada	Subnational (some shared powers)	Subnational Family Laws	Yes	No
Comoros	Central	Customary Family Laws Uniform Family Law	No	No
Ethiopia	Central except for Customary and Religious Family Laws	Uniform Family Code Customary Family Laws Sharia Family Laws	Yes	Partial. It validates customary and religious rules but elsewhere prohibits customs and practices that cause harm to women.
Federated States of Micronesia	Subnational	Subnational Family Laws Customary Family Laws	Yes	Yes
Germany	Central	Uniform Family Law	Yes	No
India	Central	Plural Religious Family Laws Customary Family Laws	Yes	Yes
Iraq	Central	Islamic Family Law	Yes	Yes (Islamic law)
Malaysia	Central except for Islamic Family Law	Uniform Family Law Islamic Family Law Customary Family Laws	No	N/A
Mexico	Sub-National	Subnational Family Law Customary Family Laws	No	N/A

Nepal	Central	Plural Religious Family Laws	Yes	Yes
Nigeria	Central	Uniform Family Law Islamic Family Law Customary Family Laws	Yes	Yes (Islamic and customary law)
Pakistan	Central	Islamic Personal Laws Customary Laws	Yes	Partial. Explicitly states equality overrides custom, but not Islamic law.
Palau	Central	Uniform Family Law Customary Family Laws	Yes	Yes
Russian Federation	Central	Uniform Family Law	Yes	No
Saint Kitts and Nevis	Central	Uniform Family Law	Yes	No
South Africa	Central	Uniform Family Law Customary Family Law	Yes	No
Switzerland	Central	Uniform Family Law	Yes	No
United Arab Emirates	Central	Islamic Family Law	No	N/A
United States	Subnational (some powers shared)	Subnational Family Laws	No	No
Venezuela	Central	Uniform Family Law	Yes	No

*Sourced from multiple in country family law sites

5.5 CONCLUSION

This section began by examining the relevance and importance of equality in family relations for the advancement of gender equality. It explored the relationship, in general terms, between federal systems and equality in family relations and identified federal advantages and federal disadvantages when family laws are centrally determined, allocated to subnational units or allocated to religious authorities. While the allocation of the power to regulate the family to the central parliament may stifle opportunities for policy transfer, the enactment of a national uniform family law code by the central parliament which reflects international standards provides country-wide protection for women in the family. Federal disadvantages were apparent when the power to regulate the family was allocated to religious or customary authorities and constitutional sex equality protection was exempted. In some federal countries, the separation of religion from family laws is an unachievable goal. However, empowering the local women's movement to challenge discriminatory religious and customary and traditional practices, and to formalize informal decision-making bodies or to enable them to establish their own, may provide greater legitimacy and constitute a federal advantage.

POLITICAL REPRESENTATION AND PARTICIPATION

The equal representation of women in elected public office means that women's presence in a society is numerically reflected in the central and subnational parliaments and other governance bodies. To achieve substantive equality, a representation of approximately 50 percent of women is required. The global average in national parliaments, however, is 24.5 percent.

Moreover, higher rates of representation does not necessarily mean higher rates of participation. Equal participation, more nuanced than equal representation, means that women participate in decision-making in the formulation and implementation of law and policy, and in the performance of all public functions at all levels of governance on equal terms with men.

	Introduction	6.1	◇
Political Representation and Participation and Gender Equality		6.2	◇
Federalism and Political Representation and Participation		6.3	◇
Federal Advantages and Disadvantages		6.4	◇
Electoral System		6.4.1	
Electoral Quotas		6.4.2	
Equal Participation		6.4.3	
	Conclusion	6.5	◇

POLITICAL REPRESENTATION AND PARTICIPATION

6.1 INTRODUCTION

The equal representation of women in elected public office means that women's presence in a society is numerically reflected in the central and subnational parliaments and other governance bodies. To achieve substantive equality, a representation of approximately 50 percent of women is required. The global average in national parliaments, however, is 24.5 percent.¹ Moreover, higher rates of representation does not necessarily mean higher rates of participation.² Equal participation, more nuanced than equal representation, means that women participate in decision-making in the formulation and implementation of law and policy, and in the performance of all public functions at all levels of governance on equal terms with men.³

Some gender equality experts have suggested that federal systems and increased decentralization create favourable conditions for increasing women's numerical political representation because of the increased availability of public office positions.⁴ Additionally, the close location of subnational units to community may make it easier for women to put themselves forward as candidates and to be elected.⁵ Gender equality experts further argue that the increase of numerical representation will, in turn, foster increased political participation as women gain skills, confidence and capacity.⁶ While federalism provides more opportunities for increased representation it may also provide enhanced opportunities for the introduction of gender quotas which are the most effective mechanism for increasing women's representation. Federal systems can also, however, lead to federal disadvantage when subnational units are not receptive to political reform or gender equality initiatives, or when decentralized political parties exclude women from equal participation.⁷

This section outlines: firstly, the importance of women's equal political representation and participation (7.2); secondly, the relationship, in general terms, between federalism and political representation and participation (7.3); and thirdly, using comparative examples, the federal advantages and federal disadvantages that federal systems present to increasing women's political representation and participation (7.4).

¹ Inter-Parliamentary Union. Current at 1 October 2019 <<http://archive.ipu.org/wmn-e/arc/world011019.htm>>

² See Table 2.

³ Pamela Paxton and Melanie M. Hughes, *Women, Politics, and Power: A Global Perspective* (CQ Press, 2015) 16.

⁴ Marian Sawer and Jill Vickers, 'Introduction: Political Architecture and its Gender Impact' in Melissa Hausman, Marian Sawer and Jill Vickers (eds) *Federalism, Feminism and Multilevel Governance* (Ashgate, 2010) 3-19, 5.

⁵ Ibid.

⁶ Ibid.

⁷ Meryl Kenny and Tanya Verge, 'Decentralization, Political Parties and Women's Representation: Evidence from Spain and Britain' (2012) 43(1) *Publius. The Journal of Federalism* 109-128, 109.

6.2 POLITICAL REPRESENTATION AND PARTICIPATION AND GENDER EQUALITY

Globally women are represented at significantly below the 50 percent required for equal representation at all levels of public office.⁸ Moreover, there is evidence that women, even when elected to public office, often do not have equal opportunity to participate. They are underrepresented in cabinet and are often given 'soft' portfolios focusing on domestic and social issues, while men are given 'hard' portfolios such as budgets, foreign policy and defence.⁹ With women numerically under-represented in nearly all legislatures around the world, failure to afford them equal responsibility in cabinet portfolios hinders their equal participation.¹⁰

The equal political representation and participation of women is a fundamental prerequisite for full citizenship and genuine legitimate democracy. The representation of women and their engagement in legislative and other political processes is an indicator of the maturity and effectiveness of democracy in any country.¹¹ There are other important reasons for achieving women's equal political representation and participation.

Firstly, research demonstrates that if women's numerical representation in public office reaches 30–35 percent (generally termed a 'critical mass') there is often a significant impact on the outcomes of political and public processes leading to policy shifts and legislative outputs that favour women's interests.¹² It should be noted, however, that at the subnational and local level, when divisions are based on ethnic lines, female representatives may prioritize ethnic identity issues rather than gender equality.¹³

In Comoros, a small federal country in Africa, the only female member of Parliament, Ms Oumouri, sponsored a law requiring gender diversity in appointments made by governors and heads of state. 'I thought if we could have a law that can support women, it would be a big step forward. It is also a way of motivating women, of waking up to go and campaign in political parties' she said. The law was passed with unanimous support. Ms. Oumouri has also proposed legislation to combat sexual harassment in the workplace and classroom.

*<https://reliefweb.int/report/comoros/midwife-mp-advancing-rights-women-comoros>

⁸ World Bank 2018. <<https://data.worldbank.org/indicator/SG.GEN.PARL.ZS>>

⁹ See Table 1.

¹⁰ Kamala Liyanage, 'Gender Inclusive Governance: Representation of Women in National and Provincial Political Bodies in Sri Lanka' in Nizam Ahmed (ed) *Women in Governing Institutions in South Asia. Parliament, Civil Service and Local Government* (Palgrave Macmillan, 2018) 117-137.

¹¹ Jaya Keral, 'The Politics of Women's Representation in India: Deliberations on Women's Issues in Parliamentary Questions' 1.

¹² See the discussion on critical mass in Diana O'Brien and Johanna Rickne, 'Gender Quotas and Women's Political Leadership' (2016) 110(1) *American Political Science Review* 112-126, 113; Karen Celis, 'Substantive Representation of Women: The Representation of Women's Interests and the Impact of Descriptive Representation in the Belgian Parliament (1900–1979)' (2007) 28(2) *Journal of Women, Politics and Policy* 85-114, 98, 99.

¹³ Karen Celis and Petra Meier, 'Other Identities in Ethnofederations: Women's and Sexual Minorities' Advocacy in Belgium' (2017) 1994) *National Identities* 415-432.

Secondly, increased representation of women fosters law-making, decision-making and policy development that reflect the views and experiences of women, not just men.¹⁴ Indeed, women often have greater knowledge and understanding of activities that women spend more time on than men, for example selling produce in markets, microfinance, children's education, access to drinking water sources, washing and sanitation facilities, and caring for the sick and elderly. Women are also, according to some research, more willing than men to support the interests of other sectoral groups, to promote public goods and services, and to support social policies.¹⁵ By contrast, some research indicates male parliamentarians are often focused on road building and infrastructure and are unwilling to divert funds to issues female parliamentarians prioritize.¹⁶ Women's role in subnational government is particularly important in this respect because local and regional bodies are often responsible for delivering community services.¹⁷

Thirdly, some research suggests that increased representation and participation of women in public office increases trust in politicians, lowers corruption, enhances pride, self-respect and solidarity amongst women, and lessens discrimination against future women politicians.¹⁸

Fourthly, the representation and participation of women in public office can lead to reversals of traditional gender stereotyped roles. For example, a woman leader providing her opinion, signing off on decisions, or walking through the township to inspect works may represent a significant social change in the life of a village, island community or outlying suburb.¹⁹ It may inspire women to increase civic engagement and become politically active.²⁰

¹⁴ Louise Edwards and Mena Roces, *Women's Suffrage in Asia: Gender, Nationalism and Democracy* (Routledge, 2004) 1; Michele Beyeler, 'Direct and Indirect Effects of Federalism on Gender Equality Policies. Insights from Switzerland' (2015) 14 *Federalisme Regionalisme* 7.

¹⁵ Klaus Deininger, Songqing Jin, Hari Nagarajan and Fang Xia, 'Does Female Reservation Affect Long-Term Political Outcomes? Evidence from Rural India' (2015) 51(1) *Journal of Development Studies* 32, 33-49, 39, 40; Irma Clots-Figueras, 'Women in Politics: Evidence from the Indian States' (2011) 95(7-8) *Journal of Public Economics* 664-690.

¹⁶ Paul Minoletti, *Women's Participation in the Subnational Governance of Myanmar* (Asia Foundation 2014) 20; Celis, above n 12.

¹⁷ Pippa Norris, *Gender Equality in Elected Office in Asia Pacific: Six Actions to Expand Women's Empowerment* (UN Women 2012) 10. <http://www.mn.undp.org/content/dam/mongolia/Publications/DemGov/DG-2012-GenderEquality_Eng.pdf>

¹⁸ Anne Marie Goetz, 'Political Cleaners: Women as the New Anti-Corruption Force?' (2007) 38(1) *Development and Change* 87-105. Deininger et al, above n 15, 32, 34.

¹⁹ Simon Chauchard, 'Can Descriptive Representation Change Beliefs about a Stigmatized Group? Evidence from Rural India' (2014) 108(2) *American Political Science Review* 1-20, 3, 7.

²⁰ Paxton and Hughes, above n 3.

Senator Pierantozzi from Palau, a small Pacific Island federal country, said in the run up to the 2016 national election, that more women are needed to balance the agenda of male politicians. 'All they want to do is build big infrastructure, build bridges, but smaller things like social welfare, the good of the people, health, education...' she said,

'...I notice men don't really pay much attention to these other things'.

*<https://www.radionz.co.nz/international/pacific-news/314182/more-women-needed-in-palau-government>

Fifthly, women's representation and participation in governance at all levels has an important symbolic role. It may increase the respect, value, importance, and reputation afforded to women from family and community members. One rural Rwandan woman noted: 'Even the population obeys these female authorities. It's a step forward for us [women]'.²¹ It can increase awareness of women's aptitude and ability to make valuable contribution in the public sphere.²² Women represent half of the talent potential of a society and having them in public office utilizes all available resources.²³

Finally, women in the community may be more likely to approach a female public official. Indeed, research has shown that female citizens in India were twice as likely to communicate with local elected officials if there was a female elected official occupying the seat.²⁴

6.3 FEDERALISM AND POLITICAL REPRESENTATION AND PARTICIPATION

According to many gender equality experts, federal countries provide favourable conditions for increasing women's numerical political representation because federal systems create new public office positions at subnational and local levels.²⁵ Federalism may also support increased representation for several reasons. Campaign costs at the subnational and local levels are often much smaller than at the central level, posing less of a financial barrier for women.²⁶ Additionally, women may be more comfortable in public office roles which are close to the community in which they live, and conversely, other community members may be more accepting of women filling public roles in which there is less power and authority vested.²⁷ Another advantage is that increased opportunities for female representation at

²¹ Jennie Burnet, 'Women have found Respect: Gender Quotas, Symbolic Representation, and Female Empowerment in Rwanda' (2011) 7(3) *Politics and Gender* 303-334, 321.

²² Ibid 317.

²³ Paxton and Hughes, above n 3, 16.

²⁴ Raghobendra, Chattopadhyay and Esther Duflo. 'Women as Policy Makers: Evidence from a Randomized Policy Experiment in India'(2004) 72(5) *Econometrica* 1409-1443, 1428.

²⁵ Marian Sawyer and Jill Vickers, 'Introduction: Political Architecture and its Gender Impact' in Melissa Haussman, Marian Sawyer and Jill Vickers (eds) *Federalism, Feminism and Multilevel Governance* (Ashgate, 2010) 3-19, 5; Jill Vickers, 'Is Federalism Gendered? Incorporating Gender into Studies of Federalism' (2012) 43 *Publius. Journal of Federalism* 1-23, 10.

²⁶ Enid Slack, Zachery Spicer and Makram Montacer, *Decentralization and Gender Equity* Occasional Paper Series Number 14 (Forum of Federations, 2014) 7.

²⁷ Minoletti, above n 16, 30. Ibid 7.

local levels may increase their representation at the national and subnational levels. This is because local level representation can act as a 'stepping stone' to senior levels of government,²⁸ as women gain experience at the local level, and obtain a higher community profile and even name recognition.²⁹ In addition, the 'double burden' that women bear managing domestic responsibilities alongside any public role may be lessened without the need to travel to a central parliament. The potential increase of numerical representation offered in federal systems may in turn, some gender equality experts argue, foster increased political participation in a further example of federal advantage. The increased number of women in public office promotes opportunities to participate in decision-making and in the formulation of law and policy. In addition, as women gain skills, confidence and capacity they are able to contribute much more meaningfully to all aspects of governance.³⁰ However, while there is evidence of women's increased levels of skill, competence and capacity at all levels of governance, there is less evidence that women are moving rapidly into more senior positions or into roles with greater levels of responsibility.³¹

Statistics suggest, however, that despite the federal advantages, increases in women's representation is slow in federal countries. Indeed, global statistics on the representation of women in central parliaments (lower and upper houses) and subnational units (see Table 1) does not indicate a direct correlation between federal systems and women's equal representation. Statistics show that across federal countries the percentage of women in the lower house ranges from 0 percent to 50 percent, in the upper houses from 0 percent to 49.2 percent, and in subnational parliaments from 2 percent to 43 percent. These statistics are similar to unitary systems. Any federal advantage therefore may depend also on the presence or absence of particular institutional measures which evidence suggests have a considerable impact on women's political representation and participation. Indeed, two institutional measures – the form of the electoral system, and the presence and strength of electoral quotas³² – and other factors such as the provision of child-care, media opportunities, increased security, and networking capacity and opportunities, appear to be significant influences in increasing women's political representation and participation.³³

Federal systems may provide greater opportunities for the introduction of measures such as gender quotas and favourable electoral systems. In particular, when a new federation is being established, or a federal country is reforming its electoral system or during a process of decentralization, new access points emerge creating opportunities for gender equality measures. Countries in the early stages of peace-building after emerging from conflict, or transitioning away from autocracy to a federal democracy, may be receptive to pressure from the women's movement or international organizations to include, for example, a gender quota into the reform process. In older federations where constitutional arrangements are more settled, opportunities for reform may arise through campaigns, pressure from the women's

²⁸ Slack, above n 26, 7; Ulrik Kjaer, 'Patterns of Inter-Level Gender Gaps in Women's Descriptive Representation' (2019) 17(1) *Lex Localis-Journal of Local Self-government* 53-70.

²⁹ Slack, above n 26, 7.

³⁰ Shan-Jan Sarah Liu and Lee Ann Banaszak, 'Do Government Positions Held by Women Matter? A Cross-National Examination of Female Ministers' Impacts on Women's Political Participation' (2017) 13(1) *Politics and Gender* 132-162.

³¹ *Ibid.*

³² Joy McCann, *Electoral Quotas for Women: An International Overview* Parliamentary Library Research Paper (Parliament of Australia, 2013) 4; Vickers, above n 25, 22.

³³ See Tables 1 and 2.

movement, or recommendations from international monitoring organizations such as the CEDAW Committee.

When selecting interventions designed to strengthen gender equality in elected office, no single 'one-size-fits-all' solution is suitable for all national contexts. Instead, the most effective strategies for expanding opportunities for women in elected office depend upon specific local conditions, particularly during a transition to federalism.³⁴

Table 1: Women's Participation in Cabinet and as Leaders of Subnational Units

Country	Women in Cabinet	Portfolios Held by Women	Women Leaders of Subnational Units
Argentina	4/21	<ul style="list-style-type: none"> - Justice and Human Rights - Security - Social Development and Health - Women, Gender and Diversity 	2/23 Provincial Governors
Australia	6/23	<ul style="list-style-type: none"> - Defence - Employment, Skills, Small and Family Businesses - Environment - Families and Social Services - Foreign Affairs - Industry, Science and Technology - Regional Services - Women 	2/8 Premiers and Chief -Ministers
Austria	9/17	<ul style="list-style-type: none"> - Agriculture, Regions and Tourism - Arts, Culture, the Civil Service and Sport - Climate Action, Environment - Defence - Digital and Economic Affairs - Energy - EU and Constitution at the Federal Chancellery - Justice - Mobility Innovation and Technology - Women and the Integration at the Federal Chancellery 	1/6 State Governors

³⁴ Shireen Hassim, 'Democratization: A View from Africa' (2006) 31(4) *Signs* 928–932.

Belgium	4/12	<ul style="list-style-type: none"> - Asylum and Migration - Combatting Poverty, Equal Opportunities, and Disabled People - Economy and Consumer Affairs - Employment - Energy, Environment and Sustainable Development - Social Affairs and Public Health 	1/10 State Governors
Bosnia and Herzegovina	2/10	<ul style="list-style-type: none"> - Civil Affairs - Foreign Affairs 	0/10 Prime Ministers
Canada	17/35	<ul style="list-style-type: none"> - Agriculture and Agri-Food - Associate Minister Finance - Crown-Indigenous Relations - Digital Government - Economic Development and Official Languages - Employment, Workforce Development and Disability Inclusion - Fisheries, Oceans and Canadian Coast Guard - Gender Equality and Rural Economic Development - Health - Infrastructure and Community - Intergovernmental Affairs - International Development - Labour - Middle Class Prosperity - National Revenue - Public Services and Procurement - Seniors - Small Businesses Export Promotion and International Trade 	1/13 Provincial and Territorial Premiers
Comoros	0/12	N/A	0/4 Island Governors
Federated States of Micronesia	0/14	N/A	0/4 State Governors
Ethiopia	10/22	<ul style="list-style-type: none"> - Construction Planning and Development - Defence - Labour and Social Affairs - Peace - Revenue 	0/11 Region and City Governors

- Trade and Industry
- Transport
- Urban Development
- Women, Children and Youth

Germany	7/16	<ul style="list-style-type: none"> - Defence - Education & Research - Environment, Nature Conservation & Nuclear Safety - Family Affairs, Senior Citizens, Women & Youth - Food & Agriculture - Justice & Consumer Protection 	2/16 Lander Minister- Presidents
India	2/25	<ul style="list-style-type: none"> - Corporate Affairs - Finance - Food Processing Industries - Textiles - Women and Child Development 	1/30 Chief Ministers
Iraq	0/14	N/A	0/19 Governors
Malaysia	5/27	<ul style="list-style-type: none"> - Housing and Local Government - Primary Industries - Rural Development - Science Technology and Innovation - Women and Family Development 	0/13 Chief Ministers
Mexico	6/20	<ul style="list-style-type: none"> - Civil Service - Culture - Economy - Interior - Labour - Welfare 	2/32 State Governors
Nepal	2/23	<ul style="list-style-type: none"> - Land Management and Poverty Alleviation - Water Supply 	0/7 Provincial Governors
Nigeria	5/45	<ul style="list-style-type: none"> - Disaster Management and Social Development - Environment - Finance, Budget and National Planning - Humanitarian Affairs - Industry, Trade and Investment - Women's Affairs 	0/36 State Governors

Pakistan	3/30	<ul style="list-style-type: none"> - Climate Change - Defence Production - Human Rights 	0/6 Chief Ministers
Palau	2/8	<ul style="list-style-type: none"> - Community and Cultural Affairs - State 	3/16 Governors
Russian Federation	3/31	<ul style="list-style-type: none"> - Culture 	3/85 /146 Oblast Governors
Saint Kitts and Nevis	1/8	<ul style="list-style-type: none"> - Community Development - Gender Affairs and Social Services - Health 	0/14 Parish Premiers
South Africa	14/30	<ul style="list-style-type: none"> - Basic Education - Communications - Cooperatives, Governance and Traditional Affairs - Defence and Military Veterans - Environment, Forestry and Fisheries - Human Settlements, Water and Sanitation - International Relations and Cooperation - Public Works, Infrastructure - Small Business Development - Social Development - Tourism - Women 	1/9 Provincial Premiers
Switzerland	3/7	<ul style="list-style-type: none"> - Defence, Civil Protection and Sport - Environment, Transport, Energy and Communications - Justice and Police 	03/26 Council Presidents and Mayors
United Arab Emirates	7/35	<ul style="list-style-type: none"> - Advanced Sciences - Community Development - Culture and Knowledge Development - Future Food Security - Happiness - Public Education - Youth 	0/7 Emirs
United States	4/24	<ul style="list-style-type: none"> - Central Intelligence Agency - Education - Small Business Administration - Transportation 	10/55 State and Territory Governors

		<ul style="list-style-type: none"> - Commerce - Communes - Indigenous Peoples - Prison Service - Social Protection - Technology and Innovation - Urban Agricultural Science - Water Attention - Women, Gender and Equality 	
Venezuela	8/33		4/ 25 Governors

*Sourced from parliament webpages of each country.

**Current at April 30 2020.

***Note portfolios change frequently.

6.4 FEDERAL ADVANTAGES AND FEDERAL DISADVANTAGES: POLITICAL REPRESENTATION AND PARTICIPATION

6.4.1 ELECTORAL SYSTEM

Electoral systems consist of sets of rules that govern all aspects of the voting process, including: when elections occur; who can vote; who can stand as a candidate; how votes are marked and cast; how votes are counted; and limits on campaign spending. Electoral systems are typically broadly defined by the national constitution while electoral legislation sets out the required detail, as directed by Many countries also establish Electoral Commissions to organise, conduct and supervise elections.

Electoral systems have a direct impact on women's representation in elected public office, and in federal systems the opportunity to reform the electoral system to enable greater representation of women may be enhanced through multiple access points and opportunities for policy transfer. There are three main types of electoral systems – plurality, majority and proportional representation. Different types of electoral system can be used in the same country for different levels of public office.

A plurality system is generally considered the least favourable electoral system for women's representation. One candidate from each political party is selected to contest each seat. If a male and a female candidate compete for a party's nomination, a victory for the female means a loss for the male. When choosing candidates for an election, political parties usually put up the 'most broadly acceptable' candidate who is less likely to be a woman or visible minority.³⁵ Even when a woman candidate is put forward gender is an influential factor in individual voting decisions, usually to the detriment of women candidates. Additionally, research shows that an incumbent has a far greater chance of re-election, and therefore a plurality system where men already hold the majority of seats is unlikely to yield many

³⁵ Katrine Beauregard, 'Gender, Political Participation and Electoral Systems: A Cross-National Analysis' (2014) 53(3) *European Journal of Political Research* 617-634.

successful challenges by female candidates.³⁶ Approximately half the world use this electoral system. Twelve federal countries use a plurality electoral system resulting in female representation of 0 to 27 percent. Overall federal countries with plurality systems performing significantly worse than federal countries with a proportional representation electoral system (see Table 2 below).

A majority electoral system has many of the same disadvantages for women as a plurality system since only one candidate contests each seat. Finland, Portugal, and other east European countries, as well as presidential and National Assembly elections in France, use a majority electoral system. Of the federal countries only Comoros uses this system. This does not provide scope for comparison, but Comoros has 16.67 percent of women in parliament, below the global average.

A proportional representation electoral system is the most favourable for women's representation. This is likely because it requires voters to vote for parties rather than individuals, which removes any gender bias in voting, because it encourages political parties to seek a diverse range of candidates, and because it enables smaller women-friendly parties to gain seats it would not secure in a plurality system.³⁷ The single transferable vote system appears less successful at achieving female representation than the party list system. Although it is used widely in many countries for different elections, only Ireland, Australia, and Malta use it in national elections, while India uses it for election to the Rajya Sabha (Lower House).

Plurality Electoral System (also known as 'first-past-the-post') awards seats to the individual candidates who receive the most votes in an election. Each seat is separately contested and the winning candidate does not require a majority (50 percent plus) of the vote to win.

Majority Electoral System (also known as the two-round system) requires a candidate to receive a majority of votes in order to win (50 percent-plus-one-vote). If no candidate gets a majority of votes, then a second round of voting is held (typically two weeks after the initial ballot) where only a select number of candidates from the first round participate.

Proportional Representation Electoral System aligns the percentage of elected candidates with the percentage of votes a political party receives in the election. There are two main methods of achieving proportional representation. The first method is through a single transferable vote where voters rank candidates according to their preference. This means that instead of voting for a single candidate, voters have the opportunity to express a range of preferences for several candidates on the ballot.

The second method is through a party list in which voters vote for a political party rather than an individual candidate. The percentage of the vote received determines the proportion of seats in parliament.

³⁶ Leslie Swwindt, Michael Malecki and Brian Crisp, 'Candidate Gender and Electoral Success in Single Transferable Vote Systems' (2010) 40(3) *British Journal of Political Science* 693-709, 696.

³⁷ Frank Thames, 'Understanding the Impact of Electoral Systems on Women's Representation' (2017)13(3)*Politics and Gender*379-404.

The party list system has been successful at increasing women's representation, and in the 8 federal countries that use it female representation ranges from 21.40 to 48.20 percent in central parliaments. All of the 8 countries, except Bosnia, have a female representation that is higher than the global average. In an example of federal advantage, in Spain, where political decentralization gave considerable autonomy to the regions, two parliaments (Castile La Mancha and the Balearic Islands)³⁸ incorporated a zipper into their party list requiring women and men candidates to be alternated on all party lists. Although the central government tried to block this gender equality measure it ultimately failed. Subsequently in a further example of federal advantage, the zipper was adopted by other regions in Spain.³⁹

6.4.2 ELECTORAL QUOTAS

Electoral quotas, a form of affirmative action, is a measure that requires that a certain number or percentage of seats or positions must be occupied by an under-represented group. There are three main forms of gender electoral quotas: reserved seats in parliament; legislated candidate quotas; and voluntary political party quotas. They can be introduced at the central level, the subnational level, and at local municipal or village governance level. There has been a steady global increase in women's political representation in central parliaments from 11.3 percent in 1995 to 24.2 percent in 2020. The greatest increase, and the most rapid increase, is found in countries (both unitary and federal) that have adopted electoral quotas rather than waiting for an increase to occur gradually without quota intervention.⁴⁰ Electoral quotas have been shown to influence party strategy, legislative behaviour, public opinion, political engagement, and the aspirations, education, and political efficacy of women.⁴¹

All of the federal countries with high levels of representation in lower and upper houses of central parliaments have gender quotas, suggesting this is likely a stronger indicator of increased representation than the governance system or even the form of electoral system. However, gender equality experts argue federal systems offer federal advantages that foster the introduction of gender quotas. Firstly, their impact is enhanced in a federal system where there are greater numbers of public office positions. Secondly, the introduction of gender quotas at the subnational and local level may present less of a challenge to the power elites and may make it easier for women to lobby for their introduction. In India, for example, the relative powerlessness of the local panchayats (which do not have any law making capacity) may have enabled the introduction of gender quotas because there was no challenge to existing power structures

³⁸ Spain is a 'quasi-federation' with strongly decentralized political system. Juan Rodríguez and Astrid Barrio, 'Political Parties in Multilevel Spain: Organization, Influence and Strategies' in Guy Lachpelle and Pablo Onate (eds) *Borders and Margins: Federalism, Devolution and Multi-Level Governance* (Barbara Budrich Publishers, 2018) 209-227, 210.

³⁹ Alba Alonso and Tania Verge, 'Territorial Dynamics and Gender Equality Policies in Spain' (2014) 14 *FÉDÉRALISME RÉGIONALISME*. <<https://popups.uliege.be/443/1374-3864/index.php?id=1365>>

⁴⁰ Jennifer Rosen, 'Gender Quotas for Women in National Politics: A Comparative Analysis across Development Thresholds' (2017) 66 *Social Science Research* 82-101, 83.

⁴¹ Li-Ju Chen, 'Do Gender Quotas Influence Women's Representation and Policies?' (2010) 7(1) *European Journal of Comparative Economics* 13-61; Joy McCann *Electoral Quotas for Women: An International Overview* (Parliamentary Library Research Paper, Parliament of Australia, 2013) 4.

in subnational and central governance.⁴² Thirdly, once they are introduced at subnational or local levels opportunities for 'policy transfer' may emerge in both competitive and collaborative federations. In Mexico, for example, the introduction of gender quotas at the subnational level resulted eventually in their adoption by the central parliament.⁴³ Finally, countries emerging from substantial internal conflict and shifting to a federal system are often redesigning political institutions and drawing up new constitutions, which creates a prime political opportunity for the introduction of electoral quotas.⁴⁴

The three main systems of electoral quota - reserved seats in parliament, legislated candidate quotas and voluntary political party quotas – each offer federal advantages and federal disadvantages to increasing women's political representation.

6.4.2.1 RESERVED SEATS FOR WOMEN

Reserved seats for women are legal quotas mandated in a constitution or within electoral legislation that set aside a certain number or percentage of seats in the central, subnational or local levels of governance that men cannot contest. Reserved seats are the most reliable quota system for increasing women's political representation as they guarantee women a specified number or percentage of seats. The effectiveness of this mechanism, however, is determined by the percentage or number of seats reserved.⁴⁵ The reservation of a minimum of 30 percent of seats is recommended as creating a sufficient critical mass to enable women to participate and to actively pursue gender equality agendas.⁴⁶ Reserved seats for women have been adopted by 37 countries, mostly South Asian, Arab and African countries, but have only been adopted in four federal countries. Pakistan has reserved seats at both the central and subnational level, India has adopted reserved seats at the village level, and Nepal and Iraq have adopted them at the central and subnational level.

6.4.2.2 LEGISLATED CANDIDATE QUOTA

Legislated candidate quotas for women require each political party to have a certain number or percentage of women candidates. A candidate quota forces political party gatekeepers to nominate women, which can challenge male dominance within a party that is often difficult to overcome without enforced structural change.⁴⁷ Legislated candidate quotas have been adopted in six federal countries, ranging from a quota of 30 percent of candidates in Brazil and Argentina to 40 percent of candidates in

⁴² Rekha Saxena, *Gendering Federalism in India* Paper 21 (Forum of Federations, 2017) 3.

⁴³ Ibid.

⁴⁴ Vickers, above n 25, 10.

⁴⁵ Pamela Paxton and Melanie M. Hughes. 'The Increasing Effectiveness of National Gender Quotas, 1990–2010' (2015) 40(3)*Legislative Studies Quarterly* 331–362.

⁴⁶ Tracy Osborn, *How Women Represent Women: Political Parties, Gender and Representation in the State Legislatures* (Oxford University Press, 2012).

⁴⁷ Saxena, above n 42, 5.

Bosnia (see Table 2 below). In all six countries the candidate quota has resulted in percentages of elected women close to the level of the quota and well above the global average of 24.5 percent.

In a plurality electoral system, candidate quotas are less effective than reserved seats as women may be either relegated to seats unlikely to win or simply not receive enough votes to gain seats.⁵⁰ It may therefore not lead to more women in elected positions as they still must receive enough votes to win the seat. Of the two federal countries with both legislated candidate quotas and a plurality electoral system, Brazil has 10.7 percent female representation in the central parliament and Venezuela, with a mixed system, has 22.2 percent female representation in the central parliament.

In a proportional representation system where voters vote for a political party rather than an individual candidate, the percentage of votes determines the number of candidates elected. For example, if a party wins 10 percent of the vote, then they are entitled to 10 percent of seats in parliament. Each political party lists its candidates and, in this example, the 10 percent at the top of the list will be given seats. If women candidates are listed at the bottom of the party list, they are unlikely to gain seats. A candidate quota combined with a 'zipper list' however (where male and female candidates are alternated on the list), can yield much more positive results for the election of women.⁵¹ Belgium for example, a federal country with a 33 percent quota for women, requires every third candidate to be female and has 38 percent women in the lower house and 50 percent women in the upper house.

Federal Advantage Examples: Quotas	
India	Pakistan
India does not have gender quotas at the central or subnational levels. At the village level, in response to a growing and forceful women's movement, a 33 percent reserved seat gender quota was introduced into all 3 levels of panchayat raj (village council) system in 1992. In 2020, 46 percent of seats are filled by women. There is evidence that increased representation has led to increased participation as women have gained skills and become more confident in leadership and decision-making. No quotas have been adopted at the central level, but the women's movement continues to lobby for their introduction. ⁴⁹	Pakistan adopted reserved seats for women in the 1956, 1962, 1970, 1973 and 1985 national constitutions, although only at 5-10 percent of the total available seats at central, subnational and local levels. In 2002, 17 percent of seats in both lower and upper houses were reserved for women. Both houses in 2020 have a higher percentage of women representatives than the number of seats reserved, indicating the important role gender quotas can have in the perception of women in public office.

⁴⁸ Snehalata Majhi, 'Empowerment of Tribal women through Panchayati Raj' (2017) 3(2) *The Researchers' International Research Journal* 6-12; Renu Kumari and Siya Ram Singh, 'Study on the Participation of Women in Panchayati Raj Institutions in Bihar' (2016) 12(2) *Indian Research Journal of Extension Education* 96-100.

⁴⁹ Sangita Dhal and Bidyut Chakrabarty, 'Deepening Democracy in India: The Role of Women Parliamentarians and Their Challenges.' *Women in Governing Institutions in South Asia* (Palgrave Macmillan, 2018) 59-77.

⁵⁰ Amrita Basu, *Women, Political Parties and Social Movements in South Asia*, UNRISD Occasional Paper, No. 5, 2005.

⁵¹ Blanca Delgado-Márquez, Adolfo López-Carmona and Victoriano Ramírez-González, 'Ensuring Parliamentary Gender Equality through a New Zipper Method: An Application to Finland' (2014) 116(2) *Social Indicators Research* 475-492.

The federal advantage posed in this example is that Belgium also has a quota of 33 percent and a zipper for subnational parliaments which means that women’s representation through quotas is extended beyond central governance to subnational governance. Additionally, the percentage of the places reserved for women candidates is significant. For example, 10 percent has been identified as not making a significant difference to participation whereas 50 percent can provide women with capacity to participate more meaningfully.⁵²

Legislated candidate quotas can be further strengthened with the addition of other positive incentives such as extra funding and advertising opportunities for those that meet their targets. Sanctions should be imposed on parties that fail to meet the mandated quota. In the Republic of Ireland, for example, political parties must select at least 30 percent female candidates. If they do not they lose half of the annual state funding provided for their operations. In 2016 this resulted in a 90 percent increase in female candidates and a 40 percent increase in the number of women elected.⁵⁶ Monetary sanctions, such as fines or restricted access to public campaign funds, are easier to circumvent. The strongest sanctions require electoral commissions to reject candidate lists that fail to comply with quota regulations.⁵⁷

Federal Advantage Examples: Quotas	
Mexico	Argentina
Mexico introduced a candidate quota at central and subnational levels in 2002. It left subnational units to determine which candidates the quota applies to (propietario or suplente) and the quota percentage. ⁵³ This initially led to significant differences across the subnational units, in an example of federal disadvantage. However, in a series of ‘policy transfers’ all subnational units eventually adopted the same approach, leading to similar levels of women’s representation across subnational units. ⁵⁴	Argentina adopted a candidate quota in 1991 requiring 30 percent women on all candidate lists. Its implementation, however, was staggered and it took until 2000 for the quota to be uniformly implemented across all subnational units and both houses of central parliament. In both houses of the central parliament the quota has resulted in representation above the quota, with 38.9 percent women in the Lower House, 41.7 percent women in the Upper House. The quota has only achieved 25 percent women across subnational parliaments however. ⁵⁵

⁵² Melanie Hughes, Pamela Paxton, Amanda Clayton and Par Zetterberg, ‘Global Gender Quota Adoption, Implementation, and Reform’ (2019) 51(2)*Comparative Politics* 219-238, 225.

⁵³ Fernanda Correa, ‘Federalism and Gender Quotas in Mexico: Analyzing Propietario and Suplente Nominations’ (2014) 50(3)*Representation* 321, 322, 331.

⁵⁴ Ibid 321.

⁵⁵ Tiffany Barnes and Mark P. Jones, ‘Women’s Representation in Argentine National and Subnational Governments’ (2018)*Gender and Representation in Latin America* 121-139, 127.

⁵⁶ Fiona Buckley and Rachel Gregor, ‘Gendering Candidate Selection in Ireland. Incentivizing Parties through State Funding’ in Ragnhild Muriaas, Vibeke Wong and Rainbow Murray (eds) *Gendered Electoral Funding. Money, Power and Representation in Comparative Perspectives* (Routledge, 2020).

⁵⁷ Ibid 223.

6.4.2.3 VOLUNTARY PARTY QUOTAS

Voluntary party quotas are those adopted voluntarily by political parties and, unlike legislative candidate quotas, have no legal status. Eight federal countries have political parties which have adopted voluntary party quotas ranging from 25 percent to 50 percent, but with mixed impact on the overall representation of women. It is much easier to introduce a voluntary party quota since it requires no legislative reform, only that a political party is persuaded to adopt it. The major disadvantage is that it applies only to the political party and therefore its success depends on the success of the political party in elections, leading to a disproportionate effect on the parliamentary make-up. For example, Australia is the most unsuccessful of the eight federal countries with voluntary political quotas. This is because only one of Australia's two major political parties – the Australian Labour Party - has adopted a voluntary candidate quota of 50 percent. The Labour Party is not in power, however,

with the result that there are 28.7 percent women in the Lower House and 39 percent women in the Upper House, indicating that the voluntary party quota has been of limited success to date.⁶⁰ As with candidate quotas there are different ways a voluntary quota can operate, ranging from a guiding principle to a mandatory percentage of candidates. Additionally, as with candidate quotas, the form of electoral system will impact on their successful deployment.

Federal Advantage Examples: Quotas

United Kingdom	Germany
Although not a federal country, in the United Kingdom devolution has provided considerable political autonomy to Wales and Scotland. In an example of federal advantage, the first elections in the new devolved Welsh and Scottish institutions represented a sea change in women's representation. This was a result of the use of voluntary candidate quotas by the Labour party in both countries. In Scotland, 37 percent of members of the new Scottish Parliament were female; in Wales, 40 percent of the new National Assembly for Wales were women. The increased representation resulted in increased participation as women have gained considerable positional power in the devolved legislatures and governments. ⁵⁸ This has in turn led to tangible policy outcomes in areas including tackling domestic violence, childcare and nursery places, health and equal opportunities. ⁵⁹	In Germany all of the major political parties have voluntary party quotas, ranging from 33 percent in the Christian Democratic Party to 50 percent in the Greens Party and the Left Party, making it as strong as a legislated candidate quota. As a result, representation is close to the lowest quota (30 percent) with 30.7 in the Lower House, 39.1 in the Upper House, and 32 percent across subnational units.

⁵⁸ Fiona MacKay and Laura McAllister, 'Feminising British Politics: Six Lessons from Devolution in Scotland and Wales' (2012) 83(4) *Political Quarterly* 730-734, 730.

⁵⁹ Ibid 732.

⁶⁰ Mary Crawford, 'Where are the Women MPs?' (2013) 28(2) *Australasian Parliamentary Review* 10-24, 24.

6.4.3 EQUAL PARTICIPATION

Equal participation in public office requires the active, independent and full participation of women once elected, in all aspects of the role including policy formulation, law-making and other decision-making. Some gender equality experts argue that greater numerical representation will in turn lead to greater participation. In federal countries where the opportunity for enhanced representation is amplified, increased participation should follow.⁶¹ There is evidence that women increase their skills in public office once given the time and opportunity to gain experience,⁶² and that women's presence has, in some instances, changed the focus of the traditional political agenda and transformed 'ways of working' in parliament as well as other governance bodies.⁶³

However, increased representation is insufficient to achieve equal participation. In Rwanda, where women have the highest numerical representation in public office in the world at 55 percent, studies have shown equal participation has been hard to achieve. As a parliamentarian in Rwanda noted 'there is a Kinyarwanda proverb that says, *Nta nkokokazi ibika hari isake* — Hens do not crow where there is a rooster'.⁶⁴ The number of women appointed to cabinet, the portfolios women are allocated in cabinet, and the number of women leading subnational units (See Table 1 & Table 2) suggest that women are not participating equally in the parliaments of federal countries at central or subnational level. However, three federal countries that currently (in April 2020) have 50 percent female cabinet members are older federations - Canada, South Africa and Germany – which have attained greater numerical representation through electoral quotas and a proportional representation electoral system. This suggests that over time greater participation may be achieved. Although in many countries horizontal hierarchy that privileges portfolios such as defence and finance as male domains ('hard portfolios'), leaving the social, educational or welfare portfolios to women ministers ('soft' portfolios), in these three countries women have been given portfolios which could be classified as 'hard'. As of April 2020: in Canada women hold the 'hard' portfolios of Fisheries, Oceans and Canadian Coast Guard, National Revenue, Labour, and Intergovernmental Affairs; in South Africa women hold the portfolios of Defence and Military Veterans, Public Works and Infrastructure, and Environment, Transport, Energy and Communications; and in Germany a woman holds the portfolio of Defence and Environment, Nature, Conservation and Nuclear Safety. Overwhelmingly however, women across all the federal countries hold mostly 'soft' portfolios, including health, welfare, seniors, labour, culture, textiles, education and women's affairs. Additionally, and importantly, few women lead subnational units as governor, chief minister or premier (See Table 1 above).

⁶¹ Meryl Kenny and Tània Verge, 'Decentralization, Political Parties, and Women's Representation: Evidence from Spain and Britain' (2012) 43(1)*Publius: The Journal of Federalism*109-128.

⁶² Pratyusna Patnaik, 'Politics is not just a Man's Game: Women in Democratic Local Governance of Odisha' (2014) 44(1) *Social Change* 131-153, 147.

⁶³ Tiffany Barnes and Stephanie Burchard, "'Engendering" Politics: The Impact of Descriptive Representation on Women's Political Engagement in Sub-Saharan Africa' (2013) 46(7)*Comparative Political Studies*767-790; Sonia Bhalotra, Irma Clots-Figueras and Lakshmi Iyer, 'Pathbreakers? Women's Electoral Success and Future Political Participation' (2017) 128(613)*The Economic Journal*1844-1878.

⁶⁴ Burnet, above n 21, 1.

In order to sustain the federal advantage created by increased opportunities for women's political representation in federal countries, additional and enhanced measures to ensure the full participation of women are required.⁶⁵ Examples of the measures which can enhance participation are detailed below.

6.4.3.1 POSITIVE MEDIA COVERAGE

Positive media coverage is an important component of both a successful election campaign and women's ability to meaningfully participate once elected. However, research indicates women candidates receive either little or no media coverage of their candidacy, particularly if it is a first campaign,⁶⁶ and women parliamentarians have limited access to media coverage. If they do feature in media there is a greater emphasis on their personal characteristics and social issues while men receive more salient coverage of their political policies.⁶⁷ Additionally, media often deploys damaging gender role stereotypes including frequent references to women's 'weakness', 'sensitivity', and 'fragility', as well as condemnation of any perceived 'immoral' or 'unfeminine' behaviour.⁶⁸ A lack of coverage and negative coverage both impact women's electability and their capacity to participate when elected.⁶⁹ Ensuring positive media access and coverage and preventing the use of gender role stereotypes is an important aspect of maintaining any federal advantage gained through increased electoral opportunities.

6.4.3.2 NETWORKING

Networking is integral to a successful election campaign and women's ability to meaningfully participate once elected. Women, because of their historical confinement in the domestic sphere, may have fewer connections to politically relevant networks.⁷⁰ Indeed, men have traditionally had greater access to networks from which women are excluded⁷¹ and been much more able to foster valuable connections outside of working hours.⁷² As a female panchayat member in India stated to a researcher: 'Who will listen to the ladies? We need some support from men. The men can only

⁶⁵ Anuradha Kumari, Sourabh Dubey and US Gautam, 'What Hinders the Elected Women Village Panchayat Members in their Role Performance?' (2016) 11(1)*Journal of Community Mobilization and Sustainable Development*61-65.

⁶⁶ Fabio Pereira Henrique and Mariangela Monfardini Biachi, 'Women in the 2010 Brazilian Presidential Elections: Two Weekly Magazines' Discourses on Women Candidates' (2016) 13(4)*Critical Discourse Studies*411-428; Marc Hooghe, Laura Jacobs and Ellen Claes, 'Enduring Gender Bias in Reporting on Political Elite Positions: Media Coverage of Female MPs in Belgian News Broadcasts (2003–2011)' (2015) 20(4)*The International Journal of Press/Politics*395-414.

⁶⁷ Deirdre O'Neill, Heather Savigny, and Victoria Cann, 'Women Politicians in the UK Press: Not Seen and Not Heard?' (2016) 16(2)*Feminist Media Studies* 293-307, 302.

⁶⁸ Devin Joshi, Meseret F. Hailu, and Lauren J. Reising, 'Violators, Virtuous, or Victims? How Global Newspapers Represent the Female Member of Parliament' (2019) *Feminist Media Studies* 1-21.

⁶⁹ Luis Miguel and Fernanda Feitosa, 'The Genre of Parliamentary Discourse: Women and Men in the Chamber of Deputies' (2009) 52(1)*Data-Journal of Social Sciences* 201-220, 218.

⁷⁰ Maria Braden, *Women Politicians and the Media* (University Press of Kentucky, 2015).

⁷¹ Tiffany Barnes 'Women's Representation and Legislative Committee Appointment: The Case of the Argentine Provinces' (2014) 23 *Revista Uruguaya de Ciencia Política* 135-163.

⁷² Nadezhda Shvedova, 'Obstacles to Women's Participation in Parliament' in Julie Ballington and A Karam (eds.), *Women in Parliament: Beyond Numbers* (Stockholm: International Institute for Democracy and Electoral Assistance, 2005).

talk with men and other people'.⁷³ Supporting women to develop, sustain and utilize networks is important to their ability to be elected and to meaningfully participate once elected, particularly in federal countries where the women's movement is fragmented and networking more challenging.

Social media can, however, provide opportunities for women politicians to network despite isolation, their domestic responsibilities, limitations on travel and their exclusion from traditional networks.⁷⁴ Social media is a flexible tool that can be employed while in the office, traveling, or at home, which facilitates their use by women in public office.⁷⁵ Indeed, research conducted on the use of social media by female parliamentarians from 107 countries found women with children were as active on social media as those of comparable age without children. However, those women who were knowledgeable in the effective use of social media (about 25 percent of women in the study) were more than twice as active as those who were least knowledgeable. Training women politicians to make better use of social media—training on how to 'know their audiences', how to use social media to raise funds, how to deliver targeted and relevant messages, how to increase their interactivity with followers, share their personal stories with followers, and how to keep up with changes in social media platforms and use instructional resources—may support them in increasing their participation.⁷⁶ It can enable them to maintain any federal advantage gained through increased electoral opportunities.

6.4.3.3 GENDER SENSITIVE PARLIAMENTS

Gender-sensitive parliaments recognize that women, in order to serve in public office and participate equally, must juggle family and domestic responsibilities with the heavy workloads required.⁷⁷ The gendered division of labour may deter women from putting themselves forward as candidates or make it unmanageable for them to perform and participate if they are elected.⁷⁸ As an Argentinean parliamentarian stated, women are 'limited by the time they must spend on housework and reproductive work, and these tasks limit the time that women can dedicate to political participation; we must spread the idea that the world of women has other possibilities.'⁷⁹ Gender sensitive parliaments can include child-care facilities,⁸⁰ and incorporate gender-sensitive policies including scheduling hours of parliamentary sitting to suit women's commitments, and actively

⁷³Kerry Scott, Asha S. George, Steven A. Harvey, Shinjini Mondal, Guptaeswar Patel and Kabir Sheikh, 'Negotiating Power Relations, Gender Equality, and Collective Agency: Are Village Health Committees Transformative Social Spaces in Northern India?' (2017) 16(1) *International Journal for Equity in Health* 84-96, 88.

⁷⁴ Moran Yarchi and Tal Samuel-Azran, 'Women Politicians are More Engaging: Male versus Female Politicians' Ability to Generate Users' Engagement on Social Media During an Election Campaign' (2018) 21(7) *Information, Communication and Society* 978-995; Stefan Wojcik and Shawna Mullenax, 'Men Idle, Women Network: How Networks help Female Legislators Succeed' (2017) 42(4) *Legislative Studies Quarterly* 579-610; Christina Ladam, Jeffrey J. Harden, and Jason H. Windett, 'Prominent Role Models: High-Profile Female Politicians and the Emergence of Women as Candidates for Public Office' (2018) 62(2) *American Journal of Political Science* 369-381.

⁷⁵ Thomas E. Patterson, *Social Media. Advancing Women in Parliaments* (Women in Parliament Global Forum, 2016) 11.

⁷⁶ Ibid 12.

⁷⁷ Sonia Palmieri, *Gender Sensitive Parliaments. A Global Review of Good Practice* (Interparliamentary Union, 2011).

⁷⁸ Devin Joshi and Kara Kingma, 'The Uneven Representation of Women in Asian Parliaments: Explaining Variation across the Region' (2013) 12(4) *African and Asian Studies* 352-372.

⁷⁹ Susan Franceschet, Jennifer M. Piscopo and Gwynn Thomas, 'Supermadres, Maternal Legacies and Women's Political Participation in Contemporary Latin America' (2016) 48(1) *Journal of Latin American Studies* 1-32, 19.

⁸⁰ Tran Thi Minh Thi, 'Women's Political Participation in Vietnam from Institutional, Gender and Cultural Perspectives' (2018) 4 *Вьетнамские исследования* 24.

recruiting women for leadership positions within the legislature. Although gender sensitive parliaments benefit women in both unitary and federal countries, the multiple access points of federal systems provide an opportunity to lobby for gender-sensitive measures in receptive subnational parliaments.⁸¹ For example, the devolution of political power in the United Kingdom enabled the Scottish parliament to introduce family-friendly sitting hours into the Scottish parliament despite ongoing reluctance in the British parliament.⁸²

6.4.3.4 ENSURING SECURITY

Security is central to women's ability to fully participate as political representatives.⁸³ Violence against women parliamentarians, including in federal countries, is widespread in multiple forms. In early 2016 the first female mayor of Temixco, Mexico was gunned down in her home less than a day after being sworn in. In South Africa in 2006, sexual-harassment allegations against women parliamentarians led to the chief whip of the ruling African National Congress, being expelled from his party. In early 2016, the Muslim Women's Network U.K alleged that Muslim male local councillors had systematically sabotaged female candidates by smearing their reputations and intimidating their family members.⁸⁴ Despite these examples of violence, federal systems may offer federal advantages by providing women more opportunities to take up political office close to home.⁸⁵ Additionally, increasing the number of women in public office increases solidarity among them, and can change the work atmosphere towards safer practices. To quote the words of an Asian parliamentarian: 'when so many women came into Parliament in 2006 it was not unusual to hear comments such as 'you are all prostitutes'. Today the situation is better. Women have opened the way for other women'.⁸⁶ Mexico has recognized the threat of violence faced by women politicians by amending its law on violence against women and its electoral legislation to incorporate a definition of acts of political violence against women.⁸⁷

6.4.3.5 MEN AS ALLIES

Women's political participation can be increased through the support of men. Indeed, ensuring men are actively involved in all aspects of the elimination of sexism and discrimination in politics is critical. For example, the internal organization of political parties, the policies pursued, and candidate selection are often underpinned by masculine norms which can operate to reinforce female exclusion and male

⁸¹ Srilatha Batliwala, 'Transforming of Political Culture: Mahila Samakhya Experience' (1996)31(21) *Economic and Political Weekly* 1248-1251, 1248.

⁸² Fiona Mackay and Laura Mcallister, 'Feminising British Politics: Six Lessons from Devolution in Scotland and Wales' (2012) 83(4) *Political Quarterly* 730-734, 730.

⁸³ Inter-Parliamentary Union, *Issues Brief: Sexism, Harassment and Violence Against Women Parliamentarians* (October 2016). <<http://www.ipu.org/pdf/publications/issuesbrief-e.pdf>>

⁸⁴ Mona Lena Krook, 'Violence Against Women in Politics' (2017) 28(1)*Journal of Democracy*74-88.

⁸⁵ Mirya Holman, 'Women in Local Government: What We Know and Where we Go from Here' (2017) 49(4)*State and Local Government Review*285-296.

⁸⁶ Inter-Parliamentary Union, above n 83

⁸⁷ Inter-Parliamentary Union, above n 83.

dominance.⁸⁸ Political party decentralization may increase the power of political parties to 'gatekeep' gender equality reforms.⁸⁹ When there is male support this federal disadvantage may become a federal advantage if men in either progressive or conservative parties are receptive and committed to advancing women's interests. Men can support voluntary gender quotas, promote women's role in political parties, advocate for women to be selected as candidates, and support registration of female voters.⁹⁰

6.5 CONCLUSION

This section has examined the gender dynamics in federal countries in relation to political representation and participation. Many of the barriers to women's equal representation and participation exist in both unitary and federal countries. However, a federal system provides federal advantages because there are more public office positions available, and because it creates favourable conditions for the introduction of two electoral measures which can significantly increase numerical representation: a proportional representation election system and gender quotas. Subnational units create entry points for women that are more attractive to women candidates because they are located close to home, because they enable women to work at local and community level, and because they enable them to develop confidence, skills and experience. Although equal participation is more complex and harder to achieve, federal systems provide more opportunities for women to participate. That advantage can be further enhanced through the creation of gender sensitive parliaments including child-care support at both national and subnational level, greater security for women in elected office, and through the active support of men as allies.

⁸⁸ Elizabeth Evans, Karen Childs, Johanna Kantola, 'Feminist Allies and Strategic Partners. Exploring the Relationship between the Women's Movement and Political Parties' (2016) 22(5) *Party Politics* 631-640.

⁸⁹ Kenny and Verge, above n 7, 112.

⁹⁰ UN Women, *Engaging Men* <<https://www.unwomen.org/en/news/in-focus/engaging-men>>

Table 2: Women's Representation in Federal Countries and Electoral Quotas

Country	Electoral System	Percentage of Women in National Parliament	Percentage of Women in Lower House	Electoral Quota	Percentage of Women in Upper House	Electoral Quota	Percentage of Women in Subnational Parliaments	Electoral Quota
Argentina	Proportional Representation Closed Party List	40.7	40.9	Yes Type of Quota: LCQ %: 30	40.3	Yes Type of Quota: LCQ %: 30	25	Yes Type of Quota: LCQ %: 30
Australia	Proportional Representation Single Transferable Vote	36.6	30.5	Yes Type of Quota: VPQ %: Labour – 50	48.7	Yes Type of Quota: VPQ %: Labour – 50	27	Yes Type of Quota: VPQ %: Labour – 50
Austria	Proportional Representation Closed Party List	38.5	39.3	Yes Type of Quota: VPQ %: GA – 50 SPO – 40 OVP – 33	36	Yes Type of Quota: VPQ %: GA – 50 SPO – 40 OVP – 33	Unknown	Yes Type of Quota: VPQ %: GA – 50 SPO – 40 OVP – 33
Belgium	Proportional Representation Closed Party List	38	40.7	Yes Type of Quota: LCQ %: Zipper – 33	45	Yes Type of Quota: LCQ %: Zipper – 33	Unknown	Yes Type of Quota: LCQ %: Zipper – 33

Country	Electoral System	Percentage of Women in National Parliament	Percentage of Women in Lower House	Electoral Quota	Percentage of Women in Upper House	Electoral Quota	Percentage of Women in Subnational Parliaments	Electoral Quota
Bosnia and Herzegovina	Proportional Representation Open Party List	21.4	21.4	Yes Type of Quota: LCQ %: Zipper – 40	20	No	Unknown	Yes Type of Quota: LCQ %: Zipper – 40
Brazil	Plurality Electoral System	10.7	15	Yes Type of Quota: LCQ %: 30	14.8	Yes Type of Quota: LCQ %: 30	Unknown	Yes Type of Quota: LCQ %: 30
Canada	Plurality Electoral System	33.4	29	Yes Type of Quota: VPQ %: NDP – 50 LPC – 25	48.5	Yes Type of Quota: VPQ %: NDP – 50 LPC – 25	33.3	Yes Type of Quota: VPQ %: NDP – 50 LPC – 25
Comoros	Majority Electoral System	16.67	16.7	No	Unicameral	Unicameral	Unknown	No
Ethiopia	Plurality Electoral System	37.3	38.8	Yes Type of Quota: VPQ %: EPRDF – 30	32	Yes Type of Quota: VPQ %: EPRDF – 30	Unknown	Yes Type of Quota: VPQ %: EPRDF – 30

Country	Electoral System	Percentage of Women in National Parliament	Percentage of Women in Lower House	Electoral Quota	Percentage of Women in Upper House	Electoral Quota	Percentage of Women in Subnational Parliaments	Electoral Quota
Federated States of Micronesia	Plurality Electoral System	0	0	No	0	No	1.7	No
Germany	Mixed - Plurality Electoral System and Proportional Representation	30.70	31	Yes Type of Quota: VPQ %: SDP – 40 Left – 50 (Zipper) Greens – 50 CDU – 33	36.2	Yes Type of Quota: VPQ %: SDP – 40 Left – 50 (Zipper) Greens – 50 CDU – 33	32	Yes Type of Quota: VPQ %: SDP – 40 Left – 50 (Zipper) Greens – 50 CDU – 33
India	Plurality Electoral System	13.2	14.4	No	10.4	No	9	No
Iraq	Proportional Representation Open Party List	25.2	26.5	Yes Type of Quota: RSQ %: 25	Unicameral	Unicameral	Unknown	Yes Type of Quota: RSQ %: 25
Malaysia	Plurality Electoral System	13.9	14.4	No	19.1	No	Unknown	No

Country	Electoral System	Percentage of Women in National Parliament	Percentage of Women in Lower House	Electoral Quota	Percentage of Women in Upper House	Electoral Quota	Percentage of Women in Subnational Parliaments	Electoral Quota
Mexico	Proportional Representation Closed Party List	48.2	48.2	Yes Type of Quota: LCQ (Zipper) %: 40 Type of Quota: VPQ %: 50	49.2	Yes Type of Quota: LCQ (Zipper) %: 40 Type of Quota: VPQ %: 50	15	Yes Type of Quota: LCQ (Zipper) %: 40 Type of Quota: VPQ %: 50
Nepal	Mixed - Plurality Electoral System and Proportional Representation	32.7	32.7	Yes Type of Quota: RSQ %: 33	37.9	Yes Type of Quota: RSQ %: 33	32.9	Yes Type of Quota: RSQ %: 33
Nigeria	Plurality Electoral System	5.6	3.6	No	7.4	No	5.2	No
Pakistan	Plurality Electoral System	20.6	20.2	Yes Type of Quota: RSQ %: 17	19.2	Yes Type of Quota: RSQ %: 17	Unknown	Yes Type of Quota: RSQ %: 10-33
Palau	Plurality Electoral System	12.5	12.5	No	15.4	No	Unknown	No

Country	Electoral System	Percentage of Women in National Parliament	Percentage of Women in Lower House	Electoral Quota	Percentage of Women in Upper House	Electoral Quota	Percentage of Women in Subnational Parliaments	Electoral Quota
Russian Federation	Mixed - Plurality Electoral System and Proportional Representation	15.8	15.8	No	17.1	No	Unknown	No
Saint Kitts and Nevis	Plurality Electoral System	13.3	20	No	Unicameral	Unicameral	Unknown	No
South Africa	Proportional Representation Closed Party List	45.5	46.6	Yes Type of Quota: VPQ %: ANC – 50	37.7	Yes Type of Quota: VPQ %: ANC – 50	43	Yes Type of Quota: LCQ %: 50
Switzerland	Proportional Representation Open Party List	38.6	41.5	Yes Type of Quota: VPQ %: SPS – 40	26.1	Yes Type of Quota: VPQ %: SPS – 40	Unknown	Yes Type of Quota: VPQ %: SPS – 40
United Arab Emirates	Individual Candidates - No Parties	50	50	No	18.3	No	Unknown	No
United States	Plurality Electoral System	19.6	23.5	No	25	No	28.9	No
Venezuela	Mixed - Plurality Electoral System and Proportional Representation	22.2	22.2	Yes Type of Quota: LCQ (Zipper) %: 40-50	Unicameral	Unicameral	Unknown	Yes

*RSQ = Reserved Seats; LCQ = Legislated Candidate quota; VPQ = voluntary party quota.

**Sourced from Sourced from IPU Parline <<https://data.ipu.org/women-ranking?month=3&year=2020>>;
IDEA <<https://www.idea.int/data-tools/data/gender-quotas/database>>;

***Current at April 30 2020

**** Gender Quota data sourced from IDEA <<https://www.idea.int/data-tools/data/gender-quotas/database>>; Interparliamentary Union <<https://data.ipu.org/women-ranking?month=3&year=2020>> Accessed April 2020.

ECONOMIC EMPOWERMENT

This section outlines: firstly, the importance of women's equal political representation and participation (7.2); secondly, the relationship, in general terms, between federalism and political representation and participation (7.3); and thirdly, using comparative examples, the federal advantages and federal disadvantages that federal systems present to increasing women's political representation and participation (7.4).



Introduction	7.1	◇
Economic Empowerment and Gender Equality	7.2	◇
Federalism and Economic Empowerment	7.3	◇
Federal Advantages and Federal Disadvantages	7.4	◇
Provision of Child-Care	7.4.1	
Equal Pay for Work of Equal Value	7.4.2	
Maternity, Paternity and Parental Leave	7.4.3	
Sexual Harassment in the Workplace	7.4.4	
Advantages and Disadvantages: Entrepreneurship	7.5	◇
Advantages and Disadvantages: Gender Quotas	7.6	◇
Conclusion	7.7	◇

ECONOMIC EMPOWERMENT

7.1 INTRODUCTION

Women continue to earn less than men with a significant global pay gap (the difference between men's and women's average wages) of 37 percent.¹ This limits women's income stream and economic independence.² Additionally, there are also significant gaps between men and women in their ownership and control of financial assets, which constrains women's opportunities in business and entrepreneurship.³ Legislative, social and cultural barriers including over-representation in informal employment, lower levels of labour force participation, the gender pay gap, interrupted careers, lack of child-care options, and the gendered division of labour, all contribute to women's poverty and lack of economic empowerment.⁴

In federal countries, ensuring that women have country-wide access to an independent income stream, either through paid employment or through business opportunities, raises particular and significant challenges. Indeed, some gender equality experts argue that, in an example of federal disadvantage, when the power to regulate employment is allocated to subnational units it becomes difficult to ensure women have consistent country-wide guarantees of employment rights, including equal pay for equal work, maternity, paternity and parental leave, protection from sexual harassment, and adequate child-care.⁵ However, there are examples of federal advantage as evidence suggests that small- and medium-sized businesses fare better in decentralized economies as regional support can be tailored to meet specific business needs.⁶ Additionally, multiple access points have enabled the women's movement and their allies to foster measures that improve access to finance, offer financial literacy training, and introduce easy to navigate business structures.⁷

This section overviews: firstly, the importance of women's economic empowerment enabling them to generate independent income streams in employment, in business, and in the informal sector in which many women operate to the advancement of gender equality (7.2); secondly, the relationship between federal systems and women's economic empowerment (7.3); and thirdly, the federal advantages and federal disadvantages in the form of opportunities and challenges in federal countries for the generation of independent incomes for women (7.4).

¹ World Economic Forum, *Global Gender Gap Report*, 2020. < <https://www.weforum.org/reports/gender-gap-2020-report-100-years-pay-equality>>

² Ibid.

³ Ibid.

⁴ International Labour Organization, *WOMEN AND MEN IN THE INFORMAL ECONOMY: A STATISTICAL PICTURE, THIRD EDITION* (2018) 9, 21.

⁵ Alba Ruibal, 'Federalism and Subnational Legal Mobilization: Feminist Litigation Strategies in Salta, Argentina' (2018) 52(4) *Law and Society Review* 928-959.

⁶ Lasse Becker and Kilian Bizer, *Federalism and Innovation Support for Small and Medium-Sized Enterprises: Empirical Evidence in Europe*. No. 245. Discussion Papers, (Centre for European Governance and Economic Development Research, 2015) 28.

⁷ Mohammed Arifeen, 'Best Plans to Promote Women Entrepreneurs in Pakistan' (2016) 35(37/38) *Pakistan and Gulf Economist* 25-29.

7.2 ECONOMIC EMPOWERMENT AND GENDER EQUALITY

Women's income is less than men's,⁸ regardless of the level of education and work-experience.⁹ Women's global labour force participation rate in 2020 is 55 percent, while in comparison men have a labour force participation rate of 78 percent.¹⁰ Women are less likely to own businesses, small, medium, and large and when they do they face barriers and earn less than businesses run by men.¹¹ However, the economic empowerment of women, an obligations under international instruments to achieve gender equality, also benefits economies,¹² reduces poverty, inequality and social exclusion,¹³ and increases the health and education of children.¹⁴

There are multiple reasons why women do not have income streams equal to men:

Firstly, women perform the majority of unpaid tasks (for example housework, child-care and other unpaid activities) and thus are often unable to undertake paid work, or if they do, they are unable to sustain the working hours and responsibility of higher paying work.¹⁵

Secondly, in many countries women work disproportionately in the informal economy, often as casual and temporary workers in small-scale fisheries, in food production, in the garment industry, in agriculture, in hospitality and in tourism, without any legislative protection of their rights.¹⁶ Women, even when skilled, take up informal and unprotected work in the absence of alternative means of generating income, or to accommodate their domestic responsibilities.

Thirdly, women are scarce among higher paid senior leaders in employment or business structures, holding only 16.9 percent of board director seats worldwide in 2019.¹⁷ In the 2019 *Fortune* list, which ranks the top 500 companies in the world by revenue, only 33 women were Company Executive Officers.¹⁸

Fourthly, in many countries women are significantly disadvantaged in accessing credit, land or financial products, which prevents them from starting a business. In 72 countries some women from

⁸ World Economic Forum, above n 1, 11.

⁹ Ibid.

¹⁰ Ibid.

¹¹ UN Secretary-General, *Leave No-one Behind. A Call to Action for Gender equality and Women's Economic Empowerment* (2016) 14. <<https://www.empowerwomen.org/-/media/files/un%20women/empowerwomen/resources/hlp%20briefs/unhlp%20full%20report.pdf?la=en>>

¹² Amit Singh Khokhar and Bharat Singh, 'Status of Women Entrepreneurship in India' (2016) 4(5) *Asian Journal of Multidisciplinary Studies* 199-204, 199.

¹³ Esther Duflo, 'Women Empowerment and Economic Development' (2012) 50(4) *Journal of Economic Literature* 1051-1079.

¹⁴ Research indicates that women spend their income on nutrition, health and education for their family. Therefore, increasing women's income correlates with increasing the well-being and socio-economic status of the whole community. Farzana Afridi, Abhiroop Mukhopadhyay and Soham Sahoo, 'Female Labor Force Participation and Child Education in India: Evidence from the National Rural Employment Guarantee Scheme' (2016) 5(1) *IZA Journal of Labor and Development* 1-27, 2.

¹⁵ Kamini Dashora, 'Problems Faced by Working Women in India' (2013) 2(8) *International Journal of Advanced Research in Management and Social Sciences* 82-94, 83.

¹⁶ International Labour Organization, above n 4, 21.

¹⁷ Deloitte, *Women in the Boardroom: A Global Perspective—Sixth Edition* (Global Centre for Corporate Governance, 2019).

¹⁸ Catalyst, *Historical List of Women CEOs of the Fortune Lists: 1972-2019* (June 2019).

specific social groups do not have the right to open a bank account or obtain credit, and in 25 countries women do not have equal inheritance rights.¹⁹

Fifthly, discrimination and violence against women within the family and in the workplace, and the failure to provide women with employment rights such as maternity leave, equal pay, child-care, and protection against sexual harassment, hinders their ability to earn an independent income. Finally, although rural women play important roles in the economy of many countries as farmers, wage earners, and entrepreneurs, they often do not have title to land, access to credit, and bank accounts.²⁰ They often spend more time than their urban counterparts and men on reproductive and household work, including time spent collecting water and fuel, and processing food. As a result, their level of economic empowerment is frequently low and insecure.²¹

Indian media openly accepts employment advertisements that request applications only from a 'beautiful, mature female', or a female with a 'smart, bold and good personality'.

*Rahul Anand, 'Gender Stereotyping in Indian Recruitment Advertisements: A Content Analysis' (2013) 8(4) *International Journal of Business Governance and Ethics* 306 – 322, 316.

7.3 FEDERALISM AND ECONOMIC EMPOWERMENT

Economic inequality of women exists in all countries federal or unitary. However, gender equality experts argue that federal systems can offer federal advantages that further women's economic empowerment. In the employment sector country-wide protection of employment rights, including gender-specific rights such as equal pay and equal pay for work of equal value, the provision of child-care, the prevention of sexual harassment, and the availability of paid maternity, parental and paternity leave, is important to women's capacity to earn an independent income. In some federal countries employment protections and standards are centrally imposed (as in Australia) and, if good practice, can provide consistent employment rights for women country-wide. In other federal countries the power to regulate employment is allocated to subnational units (as in Austria, Germany and Switzerland) or shared (as in India), creating multiple access points for the women's movement and their allies to lobby for improved employment rights. In an example of federal disadvantage however, this can result in inconsistent standards across a country. For example, different maternity leave entitlements in different subnational units. While a lack of employment protections affects all workers, it impacts disproportionately on women, who are more likely to be subject to discrimination in pay and in working conditions or to be victims of sexual harassment.

¹⁹ Ibid 11.

²⁰ Bob Rijkers and Rita Costa, *Gender and Rural Non-Farm Entrepreneurship* (The World Bank, 2012); Stephen Wegren, Alexander Nikulin, Irina Trotsuk and Svetlana Golovina, 'Gender Inequality in Russia's Rural Informal Economy' (2017) 50(2) *Communist and Post-Communist Studies* 87-98.

²¹ Florent Kinkingninhou-Médagbé, Franklin Simtowe and Afiavi Agboh-Noameshie, 'Gender Discrimination and its Impact on Income, Productivity, and Technical Efficiency: Evidence from Benin' (2010) 27(1) *Agriculture and Human Values* 57-69.

Entrepreneurship rests on principles of market freedom and lack of state interference because business freedom is viewed as necessary to foster a competitive environment that generates a high degree of product innovation, which in turn leads to economic prosperity. For women, who often do not have wide experience and knowledge of business operations, lack financial literacy, do not have business networks, and face numerous barriers in accessing finance, such an approach may be problematic.²² Instead, support and state intervention may be required to enable them to compete. In an example of federal disadvantage, subnational units may be less likely than central governments to offer measures such as tax packages or credit facilities for businesses run by women.²³ Additionally, wealthier subnational units may have more business-friendly policies and less corruption, resulting in uneven opportunities for women entrepreneurs across a federal country.

However, gender equality experts have identified multiple examples of federal advantage where the innovative business practices of women have been replicated in other subnational units in examples of policy transfer. Additionally, some evidence suggests that regional programmes that support entrepreneurial activities, such as financial literacy training, access to credit, and other support mechanisms, reach small and medium sized enterprises more effectively in federal and decentralized countries.²⁴

7.4 FEDERAL ADVANTAGES AND FEDERAL DISADVANTAGES: EMPLOYMENT EMPOWERMENT

7.4.1. PROVISION OF CHILD-CARE

The provision of universally available, reliable and affordable child-care is linked to women's economic empowerment because it enables them to work or to access educational opportunities despite their role, in most societies, as the primary caregivers of children.²⁵ Research comparing countries with publicly funded universal child-care to those without has indicated greater economic equality for women has been achieved in the former.²⁶ This is indicated by lower poverty rates amongst single mothers,²⁷ a

²² Ghazala Khan, Rana Tahir Naveed and Amer Hamzah Bin Jantan, 'Status of Wonder Women: Challenges for Young Future Women Entrepreneurs in Pakistan' (2018) 3(1) *International Journal of Experiential Learning and Case Studies* 97-109; Ilhem Allagui and Abeer Al-Najjar, 'From Women Empowerment to Nation Branding: A Case Study from the United Arab Emirates' (2018) 12 *International Journal of Communication* 68-85.

²³ Collette Henry, Barbara Orser, Susan Coleman and Lene Foss, 'Women's Entrepreneurship Policy: A 13-Nation Cross-Country Comparison' *Entrepreneurial Ecosystems and Growth of Women's Entrepreneurship* (Edward Elgar Publishing, 2017) 28, 39, 42.

²⁴ Becker and Bizer, above n 6, 28.

²⁵ Pierre Fortin, Luc Godbout and Suzie St-Cerny, *Impact of Quebec's Universal Low Fee Childcare Program on Female Labour Force Participation, Domestic Income, and Government Budgets* (2012). <https://fondationchagnon.org/media/1531/fortin-godbout-st_cerny_eng.pdf>

²⁶ Nicole Telford, 'Can Canadian Women Have it All? How Limited Access to Affordable Child Care Restricts Freedom and Choice' (2016) 8(1) *Canadian Journal of Family and Youth/Le Journal Canadien de Famille et de la Jeunesse* 153-172 164, 168; Tarjei Havnes, and Magne Mogstad, 'Money for Nothing? Universal Child Care and Maternal Employment' (2011) 95(11-12) *Journal of Public Economics* 1455-1465.

²⁷ Michael Kottelenberg and Steven Lehrer, 'Targeted or Universal Coverage? Assessing Heterogeneity in the Effects of Universal Child Care' (2017) 35(3) *Journal of Labor Economics* 609-653, 647.

smaller disparity between men and women in the amount of time spent on paid work and housework,²⁸ higher rates of women's employment and child-care usage,²⁹ and a smaller gap between the pay rates of men and women.³⁰

In federal countries there are varied approaches to the provision of child-care. In an example of federal disadvantage few have a uniform country-wide approach leaving women with unequal access to child-care and inconsistent standards within child-care centers.

In Switzerland, for example, child-care is not mandated or provided by the central government which regards it a private responsibility. As a result, subnational units have responded differently to the provision of child-care and there is inconsistency across the country in both the accessibility of child-care and the standards of child-care delivery. Some have institutionalized publicly supported child-care services³¹ but there are considerable differences between them in the fee structure and also in the standards required, pedagogical principles, and in regulations concerning the education of care workers.³²

In Canada, subnational governments are responsible for the provision of child-care which has led to a 'patchwork' of programmes which many argue do not, with the exception of Quebec, adequately meet the needs of children or working parents.³³ This is an example of federal disadvantage in child-care provision. The central government provides some funding to support child-care, but this does not cover the full costs of child-care. When child-care costs makes it unaffordable for both parents to work it is often the female partner who becomes the stay-at-home parent reinforcing the gendered division of labour.³⁴ In contrast to the rest of Canada, and in an example of federal advantage, Quebec - a subnational unit receptive to gender equality measures - heavily subsidizes child-care (costing only \$7-a-day) for children aged 0-12, making it realistic for both parents to work. Quebec's child-care system was introduced as a component of the Quebec Family Policy, which remains one of the most comprehensive policy measures taken by any North American government in response to child-care trends and concerns.

In contrast to Switzerland and Canada, in Australia the central government has, unusually for a federal country, taken national responsibility for child-care. The central government funds child-care and sets and monitors quality assurance standards for child-care centres. Its main stated focus in child-care services is to promote a system that supports work force participation by all adults. Additionally, child-care centres must give priority to children with disabilities (or to parents with disabilities), children at risk of abuse or neglect, children of parents with more than one child below school age, and children of a sole

²⁸ Ibid.

²⁹ Ibid.

³⁰ Piritta Sorsa, *Raising the Economic Participation of Women in India: A New Growth Engine?* OECD Economics Department Working Paper No. 1185 (OECD Publishing, 2015) 19; Tarjei Havnes and Magne Mogstad, 'Is Universal Child Care Levelling the Playing Field?' (2015) 127 *Journal of Public Economics* 100-114.

³¹ Brigitte Liebig, Karin Gottschall and Birgit Sauer, *Gender Equality in Context: Policies and Practices in Switzerland* (Verlag Barbara Budrich, 2018).

³² Ibid.

³³ Marjorie Johnstone and Daphne Jeyapal, 'Women, Intersectional Oppressions and Social Policy in Canada' in Robert Harding and Daphne Jeyapal (eds) *Canadian Social Policy for Social Workers* (Oxford University Press, 2018) 140-160, 147, 148.

³⁴ Ibid 148. Patrizia Albanese and AnnRauhala, 'A Decade of Disconnection. Childcare Policies in Changing Economic Times in the Canadian Context' (2015) 6(2) *International Journal of Child, Youth and Family Studies* 252-274, 252.

parent at home. Within each of these groups access is further prioritized, with preferences for low income families, Aboriginal and Torres Strait Islander families, socially isolated families and families from culturally and ethnically diverse backgrounds.³⁵ Australia, like Quebec, indicates a positive correlation between universal child-care support and women's capacity to earn an independent income.³⁶

7.4.2 EQUAL PAY FOR WORK OF EQUAL VALUE

Equal pay means that women and men are paid the same wages for the same work. For example, if a woman and a man are employed as shop assistants doing the same job equal pay means they are both paid at the same rate. Differentiation in the rate of pay for women undertaking the same job as men can be traced to the 'family wage' which fixed men's wages above women's on the basis that men were typically the breadwinner and therefore men should be paid to support a wife and children.³⁷ The family wage is no longer considered appropriate in a modern employment law framework. However, it persists in some countries.³⁸ Equal pay legislation nationally enacted can resolve unequal pay effectively in federal and unitary countries alike. However, in those federal countries where rates of pay are set by subnational units and embedded in multiple awards (for example in India for most forms of employment)³⁹ it can be difficult to dislodge unequal pay rates – an example of federal disadvantage. Each individual subnational unit must be lobbied to reform multiple different awards requiring considerable resources and unified efforts by the women's movement.⁴⁰

Additionally, equal pay for work of equal value requires more than equal pay. Instead, it requires equating the rate of pay with the value of the work in terms of skill, effort, and responsibility.⁴¹ For example, the skills required for a worker doing gardening and small jobs outside the house (an occupation typically undertaken by men) could be argued to be similar to the skills required by a worker doing cooking, cleaning and laundry inside the house (an occupation typically undertaken by women). Equal pay for work of equal value would mean that they are paid the same rate despite the different tasks of the two jobs.

In an example of federal disadvantage, in order to effectively achieve this equalizing of skills and rate of pay,⁴² a national legislatively-adopted mechanism is likely required to facilitate the comparison of

³⁵ Deborah Brennan, 'Federalism, Childcare and Multilevel Governance in Australia' in Melissa Haussman, Marian Sawer, Jill Vickers, (eds) *Federalism, Feminism and Multilevel Governance* (Routledge, 2016) 37-50.

³⁶ Sonya Michel and Rianne Mahon, *Child Care Policy at the Crossroads: Gender and Welfare State Restructuring* (Routledge, 2013).

³⁷ Dhara Gill and Bennett Matthews, 'Changes in the Breadwinner Role: Punjabi Families in Transition' (1995) *Journal of Comparative Family Studies* 255-263, 257.

³⁸ Nancy Fraser, 'After the Family Wage: Gender Equity and the Welfare State' (1994) 22(4) *Political Theory* 591-618, 592.

³⁹ Anwarul Hoda and Durgesh K. Rai, *Labour Regulations in India: Rationalising the Laws Governing Wages*. No. 346. Working Paper (Indian Council for Research on International Economic Relations, 2017) 4.

⁴⁰ Ibid.

⁴¹ CEDAW Committee, General Recommendation No 13: *Equal Treatment in Respect of Work of Equal Value* 1989 (UN Doc A/44/38).

⁴² ILO, Convention (No 100) *Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value* 1951 34th Session (entry into force 23 May 1953).

the value of jobs in which women presently are predominant, with those jobs that men presently predominate.⁴³ Such a mechanism compares the 'required level of education, skills, effort, working conditions and responsibility' and jobs similarly ranked attracting the same level of pay.⁴⁴ For example, in India agriculture, weeding and transplanting (tasks performed exclusively by women) are classified as unskilled, while ploughing, sowing and harvesting (tasks performed exclusively by men) are classified as skilled and attract higher wages, even though similar levels of skill and experience is required for both activities.⁴⁵ In many federal countries, pay rates and awards are managed by subnational units (for example in India, Canada, and Switzerland)⁴⁶ and very little progress (if any) has been made on equal pay for equal work, because it is a complex mechanism not practically or easily introduced across multiple subnational units. In Canada, for example, individual subnational units have taken very different approaches to pay equity, some not adopting any mechanism and others adopting ineffective mechanisms.⁴⁷ However, the *Quebec Pay Equity Act 1996* is noted as one of the most globally effective mechanisms for facilitating equal pay for work of equal value.⁴⁸ While this could be an innovative example apt for policy transfer, the positive features of the mechanism have not to date been replicated in other Canadian subnational units.⁴⁹ In Australia, where employment is in large part regulated by the central government, an equal pay for equal work mechanism has been established but has not yet proved effective, primarily because it is not comprehensive or well designed.⁵⁰

7.4.3 MATERNITY, PATERNITY AND PARENTAL LEAVE

Maternity leave provides leave to a woman from her place of employment during pregnancy and the birthing process, recognizing the biological reproductive function of women. Paternity leave provides leave to a father during and after the birth specifically encouraging fathers to share responsibilities of care

⁴³ CEDAW Committee, General Recommendation No 13, above n 41, para 2.

⁴⁴ Charlotte Doyle, *The Revival of Pay Equity in New Zealand: The Pursuit of a Social Goal Through Law Reform* Victoria University of Wellington Legal Research Paper, Paper No. 47 (2017). <<https://ssrn.com/abstract=3024456>>

⁴⁵ KPMG and Federation of Indian Chambers of Commerce and Industry, *Labour in Indian Agriculture. A Growing Challenge*, 2015, 23. <<http://ficci.in/spdocument/20550/FICCI-agri-Report%2009-03-2015.pdf9>>.

⁴⁶ Roland Erne and Natalie Imboden, 'Equal Pay by Gender and by Nationality: A Comparative Analysis of Switzerland's Unequal Equal Pay Policy Regimes across Time' (2015) 39(2) *Cambridge Journal of Economics* 655-674.

⁴⁷ Judith McDonald and Robert J. Thornton, "'Coercive Cooperation'? Ontario's Pay Equity Act of 1988 and the Gender Pay Gap' (2015) 33(4) *Contemporary Economic Policy* 606-618, 607.

⁴⁸ Judith McDonald and Robert Thornton, 'Have Pay Equity Laws in Canada Helped Women? A Synthetic-Control Approach' (2016) 46(4) *American Review of Canadian Studies* 452-473.

⁴⁹ Pay Equity Commission, *A Guide to Interpreting Ontario's Pay Equity Act* (2019).

<<http://www.payequity.gov.on.ca/en/DocsEN/2019-0131%20Pay%20Equity%20Office%20Guide%20to%20the%20Act%202019%20-%20EN.pdf>>

⁵⁰ Sara Charlesworth and Fiona Macdonald, 'Australia's Gender Pay Equity Legislation: How New, How Different, What Prospects?' (2014) 39(2) *Cambridge Journal of Economics* 421-440, 430.

for a newborn.⁵¹ Parental leave provides leave for either or both parents to enable them to care for the child during its first year of life (or longer), recognizing the dual and equal responsibility of both parents to care for children and importantly signifying that parenting is work.⁵² Research in 2018 found maternity leave is available in 182 countries, with an average leave duration of 14 weeks. Paternity leave is mandated in 91 countries with an average leave duration of only 5 days.⁵³

Leave Examples:		
South Africa	Australia	Bosnia
National entitlement of four months maternity leave at part pay and security of job on return for female employees who have worked two years or more. ⁵⁴	National entitlement of parental leave after 1 year of work of 52 weeks of unpaid leave and 12 weeks of paid leave. ⁵⁵	National entitlement of one year on pay (18 months if the mother has twins) and security of job on return from leave. ⁵⁶

Maternity, paternity and parental leave can be paid or unpaid and should be coupled with a guarantee that the person's job will be retained until her or his return to work. The provision of such leave is essential for women's economic empowerment and to challenge the gendered division of labour. Much of the variation in labour supply patterns between men and women is not related to the biological act of childbirth but to the ways in which employment regimes treat women and mothers. As one participant in a survey in South Africa

stated, employers viewed pregnant workers as 'irresponsible, unreliable and a nuisance'.⁵⁷ Additionally, research shows that the birth of a child is a crucial moment in the crystallisation of gendered parental roles.⁵⁸ It establishes and shapes emotional ties with the child, develops gendered patterns of sharing care between women and men, and influences the way care responsibilities are allocated within the family.⁵⁹ An increase in the use of paternity or parental leave by men will therefore have a positive impact on gender equality while a failure to provide and use paid paternity and parental leave reinforces the male breadwinner model and the gendered division of labour.

⁵¹ Erin Rehel, 'When Dad Stays Home Too: Paternity Leave, Gender, and Parenting' (2014) 28(1)*Gender and Society*110-132, 111; Thomas Johansson, 'Fatherhood in Transition: Paternity Leave and Changing Masculinities' (2011) 11(3) *Journal of Family Communication* 165-180, 176.

⁵² Ann-Zofie Duvander and Mats Johansson, 'What are the Effects of Reforms Promoting Fathers' Parental Leave Use?' (2012) 22(3)*Journal of European Social Policy*319-330, 320.

⁵³ World Bank, *Women, Business, and the Law 2018*(World Bank, 2018) 15.

⁵⁴ DeAnne Aguirre and Leila Hoteit, *Empowering the Third Billion: Women and the World of Work in 2012*(Booz and Company, 2012).

⁵⁵ Starla Hargita, 'Australia's Parental Leave Pay Scheme: Temporal Disruption and 'Genuine' Attachment to Waged Work' (2017) 7(2)*feminists@ law*

⁵⁶ Chulpan Mansurovna Shavaleyeva, Elena Nikolaevna Nikonova and Ramil Shavkatovich Timerkhanov, 'Social Protection of Maternity in Europe' (2017) 1(1) *Revista QUID* 1595-1602.

⁵⁷ Debbie Budlender, *Promoting Gender Equality through Social Dialogue in South Africa* (Community Agency for Social Enquiry, June 2010).

⁵⁸ Rehel, above n 51, 111.

⁵⁹ Carmen Castro-García and Maria Pazos-Moran, 'Parental Leave Policy and Gender Equality in Europe' (2016) 22(3) *Feminist Economics* 51-73.

Gender equality experts argue that federal systems offer federal advantages and federal disadvantages to the establishment of comprehensive, generous leave entitlements. Some federal countries have put in place national programmes for maternity, paternity and parental leave, with varying benefits. In Australia, the central government enacted a basic and limited scheme after sustained pressure from the women's movement and no receptive subnational unit has adopted a more generous alternative.⁶⁰ In other federal countries much more comprehensive entitlements are provided. In Germany, for example, there is a compulsory maternity protection period of 8 weeks after birth (and subsidized income during the 3 months before birth) and a parental leave entitlement of 36 months with guaranteed return to the previous job and the right to reduce hours to part-time.⁶¹

In an example of federal disadvantage the United States has no national paid leave policy, and subnational units are left to determine policy approaches to leave. Only five states—California, New Jersey, New York and Rhode Island, and the District of Columbia—currently have programs in place. By international standards, leave provisions are modest. Durations range from four to eight weeks, except in New York, where they will reach 12 weeks in 2021. Wage replacement varies from 55 percent to 67 percent, and job protection is provided in Rhode Island and New York, but not in California, New Jersey, or the District of Columbia. The programs are financed by payroll taxes on employees in all locations except the District of Columbia, where the tax is levied on employers.⁶² The federal disadvantage could shift to a federal advantage if the benefits of paid leave were promoted and other subnational units adopted programmes in examples of policy transfer.

7.4.4. SEXUAL HARASSMENT IN THE WORKPLACE

Sexual harassment - unwelcome sexually determined behaviour such as physical contact and advances, sexual remarks, showing pornography and sexual demands whether by words or actions⁶³ - is widespread in workplaces in federal and unitary countries.⁶⁴ Sexual harassment in the workplace, primarily directed against women who frequently occupy a less influential place in the labour market and are therefore vulnerable, is a significant barrier to women's economic empowerment.⁶⁵ The effects of sexual harassment are economic and social at both the individual and structural level. At the individual level sexual harassment leads to lost wages, unpaid leave, the denial of career opportunities and job loss.⁶⁶ It also causes psychological and physical effects (especially if the sexual harassment is ongoing, perpetrated by a supervisor, involves sexual coercion, or occurs in a male-dominated setting) including anxiety, depression, low confidence and self-esteem.⁶⁷

⁶⁰ Marian Baird and Gillian Whitehouse, 'Paid Parental Leave: First Birthday Policy Review' (2012) 38(3)*Australian Bulletin of Labour*184-198.

⁶¹ Mareike Bünning, 'What Happens after the 'Daddy Months'? Fathers' Involvement in Paid Work, Childcare, and Housework after taking Parental Leave in Germany' (2015) 31(6)*European Sociological Review*738-748.

⁶² Christopher J Ruhm, *A National Paid Parental Leave Policy for the United States*(The Hamilton Project, 2017).

⁶³ CEDAW Committee, General Recommendation No 19, *Violence against Women*, 1992, 11th Session (GR 19) (UN Doc A/47/38).

⁶⁴ UN Women, *Facts and Figures*. <<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>>

⁶⁵ Jono Hersch, *Sexual Harassment in the Workplace*(IZA World of Labor, 2015).

⁶⁶ Heather McLaughlin, Christopher Uggen and Amy Blackstone, 'The Economic and Career Effects of Sexual Harassment on Working Women' (2017) 31(3)*Gender and Society*333-358, 351, 352.

At the structural level sexual harassment creates a hostile working environment which jeopardizes safety,⁶⁸ imposes costs on organizations,⁶⁹ and reduces the quality of work life for all employees.⁷⁰ It has a direct additional impact on employers because of absenteeism, low productivity, employee turnover, low morale, and legal costs stemming from sexual harassment.⁷¹ Taken together, the negative effects of sexual harassment, deny women equal opportunities in the workplace.

Responses to sexual harassment in law and policy are relatively recent (from the 1970's onwards) and many countries, both unitary and federal, have not developed strong and effective frameworks to prevent and deter sexual harassment in the workplace. In providing protection from sexual harassment federal systems offer federal advantages and federal disadvantages. In federal countries there are varied approaches to the protection of women from sexual harassment in the workplace. In an example of federal disadvantage few have a uniform country-wide approach that prohibits sexual harassment, comprehensively defined, in all workplaces, with clear standards of conduct for employees, employers, supervisors and managers and an effective complaints process. This leaves women with differing levels of both protection and access to remedies. For example, some federal countries have responded with a criminal offence of sexual harassment in their criminal laws (for example Brazil, Ethiopia, Mexico and Palau), but this is an ineffective method of reducing sexual harassment in the workplace. In other federal countries (Australia, Canada, India, Germany, South Africa and Pakistan), there has been a central government response to pressure from the women's movement,⁷² and in some instances international pressure,⁷³ leading to country-wide legislation setting out a complaints process and supported by education and public awareness campaigns.⁷⁴

In an example of federal disadvantage, some countries have different responses across subnational units leading to inconsistent protection for women at work. In the United States, for example, there is a range of federal legislation that prohibits sexual harassment in the workplace. To supplement this legislation, 47 states and Washington DC have implemented their own anti-discrimination legislation

⁶⁷ James Campbell Quick and M. McFadyen, 'Sexual Harassment: Have We Made any Progress?' (2017) 22(3) *Journal of Occupational Health Psychology* 286-298, 292; Dakshita Sangwan and Amit Thakre, 'Sexual Harassment at the Workplace in Public and Private Sectors in India: A Study at National Capital Region of Delhi' (2018) 13(1) *International Journal of Criminal Justice Sciences* 29-42, 41.

⁶⁸ Girija Borker, *Safety First: Perceived Risk of Street Harassment and Educational Choices of Women* (Girija Borker, 2017). <https://girjaborker.files.wordpress.com/2017/11/borker_jmp.pdf> In a study of 4,000 students at Delhi University, Borker found that women are willing to choose a college in the bottom half of the quality distribution over a college in the top quintile, or a more expensive college, for a public transport route that is perceived to be safer.

⁶⁹ Paula McDonald, 'Workplace Sexual Harassment 30 Years On: A Review of the Literature' (2012) *International Journal of Management Reviews* 1-17, 4.

⁷⁰ Ibid.

⁷¹ Bhavna Verma and Amit Chandra, 'Sexual Harassment at the Workplace: How Far Have We Travelled' (2015) 8(2) *Gyanodaya* 45-52.

⁷² Anuradha Chadha, 'Law Relating to Sexual Harassment of Women at the Workplace in India: A Critical Review' (2018) 1-23, 3. <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3171264>

⁷³ Munir Moosa Sadruddin, *Sexual Harassment at Workplace in Pakistan - Issues and Remedies about the Global Issue at Managerial Sector* (January 9, 2013) 115. <http://qurtuba.edu.pk/jms/default_files/JMS/7_1/JMS_January_June2013_113-125.pdf>

⁷⁴ Paula McDonald, Sara Charlesworth and Tina Graham, 'Developing a Framework of Effective Prevention and Response Strategies in Workplace Sexual Harassment' (2015) 53(1) *Asia Pacific Journal of Human Resources* 41-58.

that either expressly or implicitly prohibits sexual harassment in the private workplace. Although this results in inconsistency across the country, some subnational units have expanded their protection of employees beyond that provided by the federal legislation and implemented administrative requirements as part of a broader regulatory scheme to protect workers – an example of a federal advantage. While most state statutes at least partially mirror the federal sex discrimination protection many go further and anti-discrimination protections to cover LGBT workers and workers in settings with fewer than fifteen employees.⁷⁵ As well as including more protected classes, such as LGBT workers, some require employers to take affirmative action to prevent sexual harassment in the workplace, including (1) formal training, (2) distribution of a formal written sexual harassment policy, (3) posting of signs declaring employees' rights, and (4) taking all reasonable measures to prevent sexual harassment from occurring within the organization.⁷⁶

⁷⁵ Rachel Farkas, Brittany Johnson, Ryann McMurry, Noemi Schor and Alison Smith, 'State Regulation of Sexual Harassment' XX(421) *Georgetown Journal of Gender and the Law* 421-466, 440.

⁷⁶ *Ibid.*

Table 1: Sexual Harassment in the Workplace in Federal Countries

Country	Sexual Harassment in the Workplace Legislation
Argentina	No sexual harassment legislation
Australia	Sex Discrimination Act 1974 (Federal). Each subnational unit also has sexual harassment legislation.
Austria	Criminal Code 1974. Federal Equal Treatment Act 1993.
Belgium	Act on Wellbeing at Work 2014.
Bosnia and Herzegovina	Law on Prohibition of Discrimination 2009.
Brazil	Penal Code 1940
Canada	Labour Code 1985
Comoros	No sexual harassment legislation
Ethiopia	Penal Code 2005
Federated States of Micronesia	No sexual harassment legislation
Germany	Law on the Protection of Workers from Sexual Harassment at the Workplace 1994
India	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 Indian Penal Code
Iraq	No sexual harassment legislation
Malaysia	Penal Code, Employment Act
Mexico	Penal Code
Nepal	Sexual Harassment at the Workplace (Elimination) Act 2015
Nigeria	No sexual harassment legislation
Pakistan	Protection against Harassment of Women at the Workplace Act 2010
Palau	Penal Code 2013
Russian Federation	No sexual harassment legislation
Saint Kitts and Nevis	No sexual harassment legislation
South Africa	Protection from Harassment Act
Switzerland	Criminal Code, Federal Act on Gender Equality
United Arab Emirates	No sexual harassment legislation
United States	Civil Rights Act 1964 (Federal). Each subnational unit also has sexual harassment in the workplace laws.
Venezuela	Organic Law on the Right of Women to a Life Free from Violence

* Sourced from each country's register of legislation.

7.5 FEDERAL ADVANTAGES AND FEDERAL DISADVANTAGES: ENTREPRENEURSHIP

Women are a significant presence in the entrepreneurial landscape. Indeed, in 2019 an estimated 231 million women were starting or running new businesses in 59 economies globally.⁷⁷ For many women self-employment is an attractive path available for generating income, offering flexibility, control and the opportunity to juggle their family and social responsibilities with earning an income.⁷⁸ In rural areas in particular, including in many developing federal countries (for example in the Federated States of Micronesia, South Africa, India, Iraq, Ethiopia, and Malaysia), women are active in small businesses, often selling in the markets.⁷⁹

Available statistics suggest that women entrepreneurs have varying degrees of success in establishing and running businesses across federal countries. A survey of the percentage of women business owners, defined as employing at least one employee other than themselves, in 57 economies, shows that the percentage of women business owners varies considerably across federal countries, as shown in Table 2.

Table 2. Percentage of Women Business Owners in Federal Countries

Country	Rank out of 57	Percentage of Women Business Owners
Russia	2	31.2
Australia	5	30.9
Argentina	13	26.4
Brazil	15	28.9
Canada	16	27.3
Switzerland	21	25.5
Belgium	22	27.8
United States	23	35.1
Germany	24	25.3
Mexico	41	19.3
South Africa	42	18.8
Nigeria	43	17.8
Malaysia	46	16.7
India	48	11.0
Ethiopia	50	9.5
United Arab Emirates	56	7.7

*Sourced from Mastercard Index 2019, 13
<https://newsroom.mastercard.com/wp-content/uploads/2019/11/Mastercard-Index-of-Women-Entrepreneurs-2019.pdf>

⁷⁷ Global Entrepreneurship Monitor, Smith College, *Women's Entrepreneurship 2018/2019 Report* (Global Entrepreneurship Research Association, 2019) 15. <<https://www.babson.edu/media/babson/assets/blank-center/GEM-2018-2019-Women%27s-Report.pdf>>

⁷⁸ Sumaira Rehman and Muhammad Azam Roomi, 'Gender and Work-Life Balance: A Phenomenological Study of Women Entrepreneurs in Pakistan' (2012) 19(2) *Journal of Small Business and Enterprise Development* 209-228.

⁷⁹ Adnan, Airil Haimi Mohd, Riza Jaafar, Zarul Azhar, and Nor Marini, 'Just Sisters doing Business Between Us: Gender, Social Entrepreneurship and Entrepreneurial Resilience in Rural Malaysia' (2016) 27(2-3) *International Journal of Entrepreneurship and Small Business* 273-288.

There are significant challenges facing women in starting and successfully running a business, whether formal and informal, in unitary and federal countries. These challenges include, firstly, less access to the markets, particularly international markets, and the business networks that men rely on to start and expand their business.⁸¹

Secondly, research suggests that some male clients may question women's expertise and capacity to run a business because of both their family responsibilities and their perceived inexperience in the business world.⁸² While in poorer families, economic need may reduce opposition from the community to women operating small businesses in the informal sectors, managing a business in a formal capacity challenges the gendered division of labour more directly and is often discouraged.⁸³

Thirdly, women often do not enforce their legal rights because of social norms, making it more difficult for them to succeed in their business ventures.⁸⁴

Fourthly, women often lack information, skills and training in all aspects of running a business.⁸⁵

Fifthly, many women lack financial literacy—the education and understanding of knowing how money is made, spent, and saved, as well as the skills and ability to use financial resources to make decisions. Consequently, they may not be confident or have the competence to handle money, manage accounts and perform banking tasks.⁸⁶

Finally, and importantly, women lack access to formal or affordable finance.⁸⁷ Finance is required to start up, to formalize, and to grow a business.⁸⁸ However, women entrepreneurs experience many more barriers than men in accessing bank loans and other sources of capital.⁸⁹ In order to be granted a loan from

⁸⁰ Organisation for Economic Co-operation and Development, *Closing the Gender Gap: Act Now* (OECD, 2012) 18, 19. <<http://www.oecd.org/gender/closingthegap.htm>>; John Okpara, Chinedum__Nwajiuba__Nicholas Harkiolakis and Sylva M. Caracatsanis, 'Challenges Facing Women Entrepreneurs in Nigeria'(2011) 34(2) *Management Research Review* 221-235.

⁸¹ Rosli Mahmood and Norshafizah Hanafi, 'Entrepreneurial Orientation and Business Performance of Women-Owned Small and Medium Enterprises in Malaysia: Competitive Advantage as a Mediator' (2013) 4(1) *International Journal of Business and Social Science* 82-90.

⁸² Natalie Sappleton, 'Gender Congruency Theory, Experience of Discrimination and Access to Finance' in Kate Lewis, Colette Henry, Elizabeth Gatewood and John Watson (eds), *Women's Entrepreneurship in the 21st Century: An International Multi-Level Research Analysis* (Edward Elgar Cheltenham, 2014) 50-73, 54.

⁸³ Daya Ram, Monika Singh, K. P. Chaudhary and L. Jayarani, 'Entrepreneurship Behaviour of Women Entrepreneurs in Imphal of Manipur'(2016) 13 (2) *Indian Research Journal of Extension Education* 31-35, 31.

⁸⁴ Harold Valera, Takashi Yamano, Ranjitha Puskur, Prakashan, Ishika Gupta, Pheobe Ricarte and Rohini Mohan, *Women's Land Title Ownership and Empowerment. Evidence from India* (Asian Development Bank, 2018) 3. <<https://www.adb.org/sites/default/files/publication/453696/ewp-559-women-land-title-ownership-empowerment.pdf>>

⁸⁵ Katyn Loscocco and Sharon R. Bird, 'Gendered Paths: Why Women Lag behind Men in Small Business Success' (2012) 39(2) *Work and Occupations* 183-219.

⁸⁶ Andrea Hasler and Annamaria Lusardi, *The Gender Gap in Financial Literacy: A Global Perspective* (Global Financial Literacy Excellence Centre, 2017). <<http://gflec.org/wp-content/uploads/2017/07/The-Gender-Gap-in-Financial-Literacy-A-Global-Perspective-Report.pdf?x87657>>

⁸⁷ Ibid.

⁸⁸ Ambreena Manji, 'Eliminating Poverty? "Financial Inclusion", Access to Land, and Gender Equality in International Development' (2010) 73(6) *Modern Law Review* 985-1004.

⁸⁹ Viswanath Venkatesh, Jason Shaw, Tracy Ann Sykes, Samuel Fosso Wamba and Mary Macharia, 'Networks, Technology and Entrepreneurship. A Field Quasi-Experiment among Women in Rural India' (2017) 60(5) *Academy of Management Journal* 1709-1741, 1711.

a formal lending institution (such as a bank), collateral that can be secured as a guarantee is required. The collateral most readily accepted is land, land leases or an already operating and successful business. Women are often unable to meet these requirements. Additionally, financial institutions are more likely to loan money to individuals and enterprises with a high and predictable level of income.⁹⁰ As well as requiring collateral and income stability, the complicated procedure of bank loans may deter many women who aspire to be entrepreneurs. Ultimately, women who cannot source capital from formal lending institutions or family and friends are more likely to borrow from moneylenders who charge exorbitant rates.⁹¹

Business freedom and minimal government interference is supported in unitary and federal countries alike on the basis that it fosters a competitive environment with a high degree of product innovation.⁹² Business freedom may disadvantage women, however, who may need safeguards and support to enable them to compete equally with other businesses and in the international market. Accessing support may be more difficult in decentralized economies because the women's movement is fragmented and less able to lobby.

Federal systems do, however, provide multiple access points which can be utilized to advantage women entrepreneurs. In Pakistan, for example, women-owned businesses represent only 3 per cent of the total 3.2 million enterprises across the country. Major challenges faced by women entrepreneurs include social and cultural norms which place restrictions on their mobility and the appropriateness of working with men in the public sphere.⁹³ In Islamabad, located in the progressive Islamabad Capital Territory, the women's movement, with support from UN Women, lobbied the Chamber of Commerce and Industry to launch a Women Business Growth Centre. The Centre aims to encourage and promote women's entrepreneurship, support women entrepreneurs in business registration processes, connect them with financial institutions for easy access to finance, provide them mentorship, counselling, and provide other services to facilitate the growth of their business ventures.⁹⁴ By focusing on a receptive access point in Pakistan's federal system, where social and cultural norms are less strongly held, an innovative policy measure to advance women's entrepreneurship was successfully introduced and may, if successful, result in policy exchange to other subnational units.

⁹⁰ Yuko Nikaido, Jesim Pais and Mandira Sarma, 'What Hinders and What Enhances Small Enterprises' Access to Formal Credit in India?' (2015) 5(1) *Review of Development Finance* 43-52.

⁹¹ Hina Shah, *Creating an Enabling Environment for Women's Entrepreneurship in India* Development Papers 1304, 2013, 12; Rakesh Belwal, Misrak Tamiru and Gurmeet Singh, 'Microfinance and Sustained Economic Improvement: Women Small-Scale Entrepreneurs in Ethiopia' (2012) 24 *Journal of International Development* 84-99.

⁹² Cara Wrigley and Karla Straker, 'Designing Innovative Business Models with a Framework that Promotes Experimentation' (2016) 44(1) *Strategy and Leadership* 11-19; Anat BarNir, 'Starting Technologically Innovative Ventures: Reasons, Human Capital, and Gender' (2012) 50(3) *Management Decision* 399-419.

⁹³ Mushtaq Ahmad and Shazia Naimat, 'Networking and Women Entrepreneurs: Beyond Patriarchal Traditions' (2011) 5(14) *African Journal of Business Management* 5784 - 5785.

⁹⁴ Mohammed Arifeen, 'Best Plans to Promote Women Entrepreneurs in Pakistan' (2016) 35(37/38) *Pakistan and Gulf Economist* 25-29; Sumaira Rehman and Muhammad Azam Roomi, 'Gender and Work-life Balance: A Phenomenological Study of Women Entrepreneurs in Pakistan' (2012) 19(2) *Journal of Small Business and Enterprise Development* 209-228.

In another example of federal advantage, research suggests that regional programmes that support entrepreneurial activities, such as financial literacy training, access to credit and other support mechanisms, reach small and medium sized enterprises more effectively in federal and decentralized countries.⁹⁵ This is because regional programmes are able to tailor their measures to meet the needs of local women, to address more effectively the particular barriers that women entrepreneurs face and develop more appropriate responses. For example, in India the Community Development and Women Empowerment program, which began in Baranberia, a remote village in West Bengal, provided vocational training to women and loan facilities at a competitive rate of interest. In an example, of 'policy transfer' the programme spread its branches across 1500 villages. While the programme has benefited women enabling them to grow their business or household agricultural activities, empowering them, and giving them a voice in decision making, its success is in part because it was tailored around the needs, customs and experiences of local women.⁹⁶

7.6 FEDERAL ADVANTAGES AND FEDERAL DISADVANTAGES: GENDER QUOTAS

Gender quotas in the economic space can include preferential treatment for women in recruitment and promotion, including setting specific targets for women in occupations where women are under-represented.⁹⁷ Gender quotas can also increase the numbers of women in senior management and on boards. Women do not have equal or close to equal representation on corporate boards globally, only holding approximately 16.9 percent of board seats worldwide, and only 5.3 percent of board chair positions.⁹⁸ Gender quotas force firms to respond quickly to identify, develop, promote and retain female talent for the corporate leadership structure. Amongst federal countries - Belgium (33 percent)⁹⁹, Germany (30 percent),¹⁰⁰ India (at least one woman),¹⁰¹ and United Arab Emirates (at least one woman)¹⁰² have introduced a gender quota for company boards. Perhaps viewing legislation as too great an intrusion on the freedom of business, a number of federal countries have instituted corporate governance

⁹⁵ Lasse Becker and Kilian Bizer. *Federalism and Innovation Support for Small and Medium-Sized Enterprises: Empirical Evidence in Europe*. No. 245. Discussion Papers (Centre for European Governance and Economic Development Research, 2015) 28.

⁹⁶ Sudipto Ghosh and Chiranjib Neogi, 'Women's Entrepreneurship and Microfinance' in Chiranjib Neogi, Amit Bhandari and Sudipto Ghosh (eds) *Access to Finance, Entrepreneurship, and Empowerment: A Case Study* (Springer, 2018) 173-189, 175.

⁹⁷ Nina Pološki Vokić, Alka Obadić, and Dubravka Sinčić Ćorić, 'The Consequences of Gender Segregation in the Contemporary Work Environment: Barriers to Women's Employment, Development and Advancement' in *Gender Equality in the Workplace* (Palgrave, 2019) 61-73.

⁹⁸ Deloitte, above n 17, 5.

⁹⁹ Laura Simona Comi, Mara Grasseni Federica Origo and Laura Pagani, *Where Women make the Difference. The Effects of Corporate Board Gender Quotas on Firms' Performance across Europe* (University of Milan Bicocca Department of Economics, Management and Statistics Working Paper 367, 2017) 367

¹⁰⁰ Alexandra Fedorets, Anna Gilbert and Norma Burow, *Gender Quotas in the Boardroom. New Evidence from Germany* (DIW Berlin, 2019); Siri Terjesen and Ruth Sealy, 'Board Gender Quotas: Exploring Ethical Tensions from a Multi-Theoretical Perspective' (2016) 26(1) *Business Ethics Quarterly* 23-65.

¹⁰¹ Siri Terjesen and Ruth Sealy, 'Board Gender Quotas: Exploring Ethical Tensions from a Multi-Theoretical Perspective' (2016) 26(1) *Business Ethics Quarterly* 23-65.

¹⁰² Ibid.

codes (Australia, Austria, Germany, Malaysia, Nigeria, and South Africa) recommending gender representation on corporate boards, sometimes targeting public companies only.¹⁰³

Gender quotas can be effective in unitary and federal countries but, in an example of federal advantage, multiple access points create greater opportunities for the introduction of gender quotas. Quebec, for example, has a legislated quota for women's representation on corporate boards of 50 percent in state-owned and controlled enterprises, in the absence of federal action.¹⁰⁴ Although other subnational units have not adopted the measure, if Quebec shows positive benefits they may do so in the future.

Gender Quota Example

India

The *Mahatma Gandhi National Rural Employment Guarantee Act 2005* establishes a rural employment scheme with an embedded employment quota for women. It provides an example of both federal advantage and 'federal disadvantage.' The scheme guarantees every rural household 100 days of unskilled manual work at a set wage¹⁰⁵ reserving a third of workdays for women.¹⁰⁶ To further facilitate women's participation the jobs must be no more than 5 km from home¹⁰⁷ and if there are 5 or more children under 6 accompanying the women workers, one of the women must be paid to care for the children instead of doing the manual labour.¹⁰⁸ The scheme was initially piloted in 200 districts and, in an example of 'policy transfer', when it was proven to be successful it was extended to all rural districts throughout India.¹⁰⁹ The federal system, however, left implementation to the subnational units, which has - in an example of federal disadvantage - resulted in inconsistency across the country.¹¹⁰ In Assam, for example, many women have been excluded because child-care, toilets, first aid, and work-site-equipment were not provided. In contrast, in Kerala, Tamil Nadu, and Rajasthan it has proved a 'lifeline' for women where much greater support was provided^{111 112} Where it is successfully implemented it gives women an independent income,¹¹³ paid at the same rate as men and must be paid into a bank account in their own name.¹¹⁴ It enables women to obtain work experience, increasing their opportunities to gain work outside the scheme, and challenges the social norms that prevent women from undertaking paid work outside the home.¹¹⁵

¹⁰³ Veronique Magnier and Darren Rosenblum, 'Quotas and the Transatlantic Divergence of Corporate Governance' (2013) 34 *Northwestern Journal of International Law and Business* 249-299.

¹⁰⁴ Siri Terjesen, Ruth Aguilera and Ruth Lorenz, 'Legislating a Woman's Seat on the Board: Institutional Factors Driving Gender Quotas for Boards of Directors' (2015) 128 *Journal of Business Ethics* 233-251, 247.

¹⁰⁵ *Mahatma Gandhi National Rural Employment Guarantee Act 2005*, s 3(1) and (2).

¹⁰⁶ *Mahatma Gandhi National Rural Employment Guarantee Act 2005*, Schedule II, 15.

¹⁰⁷ *Mahatma Gandhi National Rural Employment Guarantee Act 2005*, Schedule II 18.

¹⁰⁸ *Mahatma Gandhi National Rural Employment Guarantee Act 2005*, Schedule II, 24.

¹⁰⁹ Nidhi Vij, 'Empowering the Marginalized: Mahatma Gandhi National Rural Employment Guarantee Act in India' (2013) 23(1) *Human Affairs* 91-104, 96.

¹¹⁰ Harry Fischer and Syed Ali, 'Reshaping the Public Domain: Decentralization, the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), and Trajectories of Local Democracy in Rural India' (2019) 120 *World Development* 147-158, 148.

¹¹¹ Rituparna Bhattacharyya and Polly Vauqueline, 'A Mirage or a Rural Life Line? Analysing the impact of Mahatma Gandhi Rural Employment Guarantee Act on Women Beneficiaries of Assam' (2013) 1(1) *Space and Culture* 83-101.

7.7 CONCLUSION

This section began by identifying the importance of women's economic rights and empowerment. It explored, in general terms, the relationship between federal systems and women's economic empowerment. It outlined in detail the federal advantages and federal disadvantages in federal systems to greater protection of women's rights in employment and in entrepreneurship. It emphasized the importance of employment protections including the generous and consistent provision of maternity, paternity and parental leave, a prohibition on sexual harassment, equal pay protection and a mechanism to achieve equal pay for work of equal value. Although business freedom, heightened in decentralized economies, creates some federal disadvantages for women entrepreneurs who are hindered by lack of access to finance, lack of networks, and lack of financial literacy, there are also examples of federal advantage. In some instances, decentralization and the multiple access points it creates has supported successful interventions and subsequent policy transfer. Finally, this section explored the benefits of gender quotas in employment to address occupational segregation and the lack of women in positions in senior management and on boards. Federal systems have in some cases enabled their introduction in subnational units despite federal reluctance.

¹¹² Shivana Mehta and Shalini Sharma, 'MGNREGA and Economic Empowerment of Women- Study of Indian Women' (2019) 64(1) *Economic Affairs* 35-39, 36.

¹¹³ Vinita, Arora, Luxmi Rani Kulshreshtha and V. Upadhyay, 'Mahatma Gandhi National Rural Employment Guarantee Scheme: A Unique Scheme for Indian Rural Women' (2013) 3(2) *International Journal of Economic Practices and Theories* 108-114, 109, 111.

¹¹⁴ Beth Goldblatt, *Developing the Right to Social Security. A Gender Perspective* 2016 (Routledge, London, 2016) 171-179; Sony Pellissery and Sumit Kumar Jalan, 'Towards Transformative Social Protection: A Gendered Analysis of the Employment Guarantee Act of India (MGNREGA)' (2011) 19(2) *Gender and Development* 283-294, 288.

¹¹⁵ Goldblatt, above n 114, 174.

KEY THEMES, RECOMMENDATIONS AND FUTURE RESEARCH

A range of factors intersect and influence the capacity of a federal country to advance gender equality. These include: the strength of customary, traditional and religious practices; the colonial past which may have influenced the legal framework; the progressiveness (or conservatism) of central and subnational governments; the level of separation between religion and state; the diversity or homogeneity of the country; the existence of corruption; the level of political representation and participation of women; the level of development of the country and the availability of resources; and the strength of the women's movement.

Ultimately, the report has found that no 'one-size-fits-all' solution can encompass the complexity of federal architectures, their differences, and the interplay of multiple external factors which influence the achievement of gender equality. Instead, the appropriate strategies for furthering gender equality must be considered in the specific context of the federal country. While acknowledging the importance and relevance of the local context, a range of key themes nevertheless emerged from the report.

	Overview	8.1	◇
Key Themes: Federal Advantages and Federal Disadvantages		8.2	◇
Multiple Access Points and Forum Shopping		8.2.1	
Increased Political Representation and Participation		8.2.2	
Innovation, Experimentation and Policy Transfer		8.2.3	
Close to the Community		8.2.4	
Fragmentation and Inconsistency		8.2.5	
New Federations		8.2.6	
Men as Allies		8.2.7	
Fiscal Support		8.2.8	
	Recommendations	8.3	◇
	Further Research	8.4	◇

KEY THEMES, RECOMMENDATIONS AND FUTURE RESEARCH

8.1 OVERVIEW

Gender inequality exists in developed and developing countries, in countries with federal, decentralized and unitary governance systems, and in democratic and non-democratic countries. All countries, unitary and federal, perpetuate gender roles and gender role stereotypes 'through policies, laws, practices, spending patterns, judicial decisions and discourses about how men and women should act'.¹ The pervasive and enduring existence of gender inequality across and within all societies has generated myriad studies and analyses which have created a rich, broad field of knowledge.

Gender equality experts are divided on the strength of the relationship between a country's governance system and the advantages and disadvantages it provides to securing women's rights and advancing gender equality. Some gender equality experts argue that factors external to the governance system are more determinative of the advancement of gender equality. Other experts in the field argue, however, that there is an ascertainable relationship between the governance system and the capacity of a country to achieve gender equality.

The report has found that both perspectives are valid. While there are significant external factors which influence the advancement of gender equality, federal architectures can enhance the effectiveness of gender equality measures and create opportunities absent in unitary systems in particular contexts.

The report has found that there are governance mechanisms which can both provide federal advantages and federal disadvantages for the advancement of gender equality. These include: whether a federal system is new or old; how the powers to legislate, to implement law, and to develop policy are allocated; whether the federal system is highly decentralized or centralized; whether subnational units have the same powers or different powers; whether the federal system is competitive or cooperative; and how fiscal arrangements are organized. Some of these factors can be modified or influenced, while some cannot. For example, whether a federal system is new or old cannot be changed, and while the allocation of powers between central and subnational units can be altered this process can be difficult, particularly if entrenched in the national constitution.

Alongside these governance mechanisms, a range of other factors intersect and influence the capacity of a federal country to advance gender equality. These include: the strength of customary, traditional and religious practices; the colonial past which may have influenced the legal framework; the progressiveness (or conservatism) of central and subnational governments; the level of separation between religion and state; the diversity or homogeneity of the country; the existence of corruption; the level of political representation and participation of women; the level of development of the country and the availability of resources; and the strength of the women's movement.

Ultimately, the report has found that no 'one-size-fits-all' solution can encompass the complexity of federal architectures, their differences, and the interplay of multiple external factors which influence the achievement of gender equality. Instead, the appropriate strategies for furthering gender equality

¹ Jill Vickers, 'Incorporating Gender into Studies of Federalism' (2013) 43(1) *Publius. Journal of Federalism* 1-23, 5.

must be considered in the specific context of the federal country. While acknowledging the importance and relevance of the local context, a range of key themes nevertheless emerged from the report as follows.

8.2 KEY THEMES: FEDERAL ADVANTAGES AND FEDERAL DISADVANTAGES

8.2.1 MULTIPLE ACCESS POINTS AND FORUM SHOPPING

The report found that federal countries provide multiple access points for the women's movement and their allies to lobby for reform measures. The more decentralized the federal system the more access points are available. Multiple access points mean that if the central government is resistant to gender equality measures, women and their allies can focus instead on receptive subnational units to lobby for positive gains. Additionally, the report identified instances where, after a reform campaign failed to achieve the desired gains in the chosen forum, women and their allies successfully shifted the focus to a different subnational forum. In the area of the protection of rights, for example, access to a safe, legal abortion is controversial in both unitary and federal countries. In some federal countries, however, abortion has been successfully decriminalized in select subnational units through active 'forum shopping' by the women's movement, despite a resistant and conservative central government, and resistance in other subnational units. In another protection of rights example, while national constitutions in federal countries provide a minimum standard for rights protection, subnational units are expected to provide for a better protection of rights by not merely adhering to, but also expanding, on the rights protection in the national constitution. Indeed, the report has highlighted instances in which subnational constitutions provide greater rights protection than the national constitution. Additionally, the report also identified examples of subnational units incorporating international conventions despite the failure of the central government to do so.

In the area of service delivery the report found that women and their allies have effectively utilized decentralized systems to 'forum shop' in a wide range of institutional forums - including traditional and religious authorities, private sector institutions, voluntary associations, the executive, the legislature and judiciary, and national and subnational governments - to secure efficient, accessible, and improved service delivery for women. In another example in the area of economic empowerment, the report found that although progress on equal pay for work of equal value (which requires equating the rate of pay with the value of the work in terms of skill, effort, and responsibility) is globally low, an effective mechanism was adopted in a progressive subnational unit of a federal country, where the women's movement was able to successfully lobby despite resistance to equal pay for equal work in other parts of the country.

These examples contrast with centralized unitary systems where only one venue is available and, where if an attempt at reform fails, it may not be possible to try again until a more progressive government is elected. Finally, women, if they have the capacity, can 'exit' subnational units in favour of others where policies are implemented that reflect their views and needs, an option unavailable in unitary countries.

However, the 'multiple access points' of federal systems may also provide opportunities for conservative actors to introduce measures that do not support gender equality, or to block gender equality measures. For example, the report found that the decentralization of the regulation of the family in many

federal countries has, in some instances, led to a resurgence, growth and entrenchment of traditional practices, many of which are discriminatory to women.

8.2.2 INCREASED POLITICAL REPRESENTATION AND PARTICIPATION

The report found that federal systems increase opportunities for women's democratic participation because there are more public office positions available, because of the close location of subnational units to community, and because of the reduced and more manageable costs to women candidates if they run for subnational or local positions. Importantly, however, it also found that the increased opportunities did not translate effectively to greater numerical representation unless combined with additional measures to support women's representation. In particular, a favourable electoral system, gender quotas, the availability of child-care, gender sensitive parliaments, media opportunities, increased security, and networking capacity all operate to enhance political representation in federal countries.

The report further found that federal systems could provide advantageous conditions that support the introduction of additional measures. For example, the introduction of gender quotas at the subnational and local level may present less of a challenge to power elites. Additionally, there are examples of 'policy transfer' where gender quotas were initially introduced at the subnational level and then extended to other subnational units, and even to the central parliament over time. This is an option unavailable in unitary countries. In particular, voluntary party quotas, once introduced into a political party, often resulted in other political parties—even conservative parties—following suit in another example of 'policy transfer.'

The report found that women, once elected to public office, often hold junior positions, are not entrusted to portfolios with national significance and have less voice than their male counterparts at all levels of governance. However, it also found some older federations that have achieved 50 percent female cabinet members in national parliaments with women holding portfolios which could be classified as 'hard' rather than 'soft'. This indicates that over time women have increased capacity and opportunity to participate as they gain confidence, experience, skills, and voice. The findings indicate, however, that few women hold positions as governors or premiers of subnational units, suggesting that external factors may outweigh the advantages of a federal system in this space.

8.2.3 INNOVATION, EXPERIMENTATION AND POLICY TRANSFER

The report found that federal systems, particularly when highly decentralized, encourage innovation and experimentation in subnational units that can lead to positive gender equality initiatives. In competitive federal systems, innovative initiatives and measures may, in examples of 'policy transfer' and a 'race to the top', be adopted and utilized in other subnational units or even by the central government. In cooperative federal systems, the ability of subnational units and the central government to work together and coordinate skills, learning and ideas also facilitates innovative measures to advance gender equality. In an example in the area of violence against women, the introduction of women-run police stations was an innovative initiative that, after significant success in encouraging women to approach and report violence to police, was adopted in other subnational units. In a service delivery example, the report found that decentralization is a major driver of innovative service delivery initiatives that benefit women. Examples were identified where even subnational units with ideology and priorities

that do not support gender equality innovation had adopted successful initiatives operating in more progressive subnational units.

Unitary countries, by contrast, do not offer the same opportunities for innovation, experimentation, and 'policy transfer' through competition and cooperation. In centralized federal countries the same argument can be made and, indeed, the report found examples in the area of family law where the presence of a uniform family law stifled the opportunity for innovation and policy transfer.

8.2.4 CLOSE TO THE COMMUNITY

The report found that in decentralized federal countries many institutions and services are located closer to the community than in unitary or centralized countries. This provides advantages and opportunities for the advancement of gender equality in different ways. For example, in the area of political representation and participation, because subnational units and local governance bodies are located close to community, it is easier for women to put themselves forward as candidates and to function effectively if elected. The close location to home and community enables women to juggle domestic responsibilities, to more easily travel to and attend meetings, to undertake the various functions of public office, and to counter any resistance from community and family to their involvement in politics.

In another example in the area of service delivery, because subnational units and local governance bodies are physically, socially and culturally close to the community they serve, they are better able to understand the needs of local women and to develop appropriate services. The report identified positive service delivery measures in the subnational units of federal countries shaped by local women's needs, in contrast to uniform measures imposed by a central government without an understanding or consideration of local context.

However, the report also identified examples of local governance bodies acting against women's interests, particularly if those interests were contrary to traditional, cultural, and religious practices. In the area of family regulation, for example, many federal countries allocate the power to regulate the family to subnational units, local communities, and religious authorities. In some local communities this has led to the entrenchment and continuation of discriminatory practices against women particularly in areas such as inheritance, marriage, and divorce.

8.2.5 FRAGMENTATION AND INCONSISTENCY

The report found that federal systems can result in the fragmentation of the women's movement and the limiting of its capacity to organize and lobby for reform. It can also inhibit the capacity of the central government to implement redistributive social policies that benefit women if relevant powers are allocated to subnational units. The fragmentation of the women's movement and limitations on central government capacity to deliver consistent measures across the country can result in failures for women. If subnational units have responsibility for many of the measures that further women's equality - such as the delivery of services including for example family planning, maternity care, establishing domestic violence refuges and introducing gender sensitive policing - then it is likely that women will have more or

less access to public services according to the wealth and priorities of each unit. Indeed, the report identified a number of examples of inconsistencies for women in all areas of their lives in federal countries, including in the areas of rights protection, delivery of services, violence and family regulation.

To highlight an example in the area of violence against women, the report found that a national plan of action on eliminating violence against women can offer a coordinated and sustained approach across a country enabling all sectors to coordinate and systematize their responses. In federal countries a national plan of action on eliminating violence against women is significant because it offers a coordinated and systematic national response to violence against women that can ensure uniformity in subnational approaches and generate certainty for victims. They are, however, rare in federal countries and the report located only three current national plans of action on eliminating violence against women. It is likely that the decentralization of many areas of policy implementation which would fall under of a national plan of action makes it difficult to coordinate responses across subnational units.

In the area of employment, authority over which is assigned in most federal countries to subnational units, child care is often unevenly delivered across the country, leaving parents with unequal access and inconsistent standards within child care centers. In the area of family relations, different approaches in different subnational units can result in inconsistency in family status across the country. In the domain of employment, few federal countries have a uniform country-wide approach that prohibits sexual harassment—comprehensively defined—in all workplaces, with clear standards of conduct for employees, employers, supervisors and managers and an effective complaints process. This leaves women with differing levels of protection and access to remedies.

Additionally, corruption and patronage, which impact disproportionately on women, who rarely benefit from either as they are poorer with greater interaction with many public services, may be enhanced by decentralization. This may enable local power elites to strengthen their power. Indeed, the report identified examples of heightened corruption and patronage as local leaders delivered enhanced services to areas where supporters live, or after decentralization, appointed supporters to positions for which they do not have appropriate skills or qualifications.

8.2.6 NEW FEDERATIONS

New federal systems offer opportunities for the advancement of gender equality reform because of institutional newness. The entrenchment of constitutions means that making change and reform is difficult after adoption and therefore gender equality issues are more effectively addressed at the start of a process of institutional and constitutional restructuring and reform. Indeed, in the area of rights protection the report identified a number of newer federal countries that had incorporated extensive and positive rights protection for women in their national constitution.

In older federal systems, similar opportunities can arise when constitutions are revised. A period of change may provide momentum for new institutional arrangements with policy innovations that promote gender equality. The report identified examples where the women's movement had successfully re-gendered federal constitutions during constitutional restructuring.

8.2.7 MEN AS ALLIES

The report identified the importance of ensuring men are actively involved in all aspects of the elimination of sexism and discrimination in federal countries. Decentralization can fragment the women's movement, heightening the importance of collaborating with local allies and generating support from local leaders, including male parliamentarians who play an essential role in the adoption of legislative reforms. The report found examples in which the involvement of men both at the community and parliamentary levels facilitated successful reform measures. In the area of political representation and participation for example, political parties are often underpinned by masculine norms which can operate to reinforce female exclusion and male dominance. The report identified instances in which male members of political parties committed to advancing women's interests by: supporting voluntary gender quotas; promoting women's role in political parties; advocating for women to be selected as candidates; and supporting registration of female voters.

8.2.8 FISCAL SUPPORT

The report does not focus on fiscal federalism but nevertheless identified the importance of funding to support gender equality measures and initiatives in decentralized contexts. Indeed, the federal advantages identified in this report—including the ability to innovate, the opportunity for policy transfer, and the multiple access points—can succeed only if there is sufficient financial support or fiscal equalization measures to ensure that subnational units and local governance bodies have the means to implement reform measures and new initiatives.

8.3 RECOMMENDATIONS

1. Foster increased **protection of the rights of women** by:
 - (a) Supporting women to be part of the constitution-making process and to have a voice.
 - (b) Advocating for *CEDAW*-compliant equality and non-discrimination provisions in the national constitution.
 - (c) Advocating for gender-specific rights including a right to equality in healthcare, a right to equality in education, a right to be free from violence and reproductive rights in the national constitution.
 - (d) Advocating for clearly drafted affirmative action provisions in the national constitution.
 - (e) Lobbying for the incorporation of international conventions, particularly *CEDAW*, in the national constitution. If incorporation is not adopted at the central level, then lobby for incorporation in receptive subnational units.
 - (f) Advocating for the adoption of subnational constitutions that provide greater protection of women's rights than the national constitution. If a country is moving towards a federal system and drafting sub-national constitutions as part of that shift, or if a subnational unit is undergoing

constitutional reform, recognize this is an important opportunity to advocate for, support, and encourage the introduction of greater protection of women's rights.

- (g) Utilizing the multiple access points in federal countries to advocate in receptive subnational units for women's rights despite resistance in other subnational units. For example, the right to a safe legal abortion.
- (h) Supporting and advocating for the enactment of legislation or by-laws (if the subnational unit or local governance body has the power to do so) to give greater rights protection to women.
- (i) During a move to a federal system or during a process of constitutional reform, recognizing the important gender opportunity to insert rights protection into a new constitution.

2. Support **gender-sensitive service delivery** for women by:

- (a) Utilizing the multiple access points in federal countries to support the women's movement, NGOs, other community groups and government (federal, subnational or local) to introduce enhanced or new service delivery that meets the needs of women, such as family planning clinics, women's shelters, maternity clinics, and vocational training.
- (b) Supporting innovative service delivery initiatives, even if small in scale and localized, recognizing this can lead to their adoption more broadly.
- (c) Supporting women in political representation and participation recognizing the positive impact on gender-sensitive service delivery in a decentralized model of governance.
- (d) Understanding the particular needs of women in local communities and supporting the development of appropriate service delivery to meet those needs.
- (e) Recognizing that uneven fiscal support and different priorities of subnational units may result in the inconsistent delivery of services for women and support initiatives to equalize services country-wide.

3. Work towards **ending violence against women** by:

- (a) Recognizing the importance of a national plan of action on violence against women and supporting collaboration between central and subnational governments to develop a cohesive plan.
- (b) Utilizing the multiple access points in federal countries to introduce innovative initiatives in receptive subnational units such as women-run police stations or women's courts.
- (c) Supporting the women's movement to ensure consistent good practice domestic violence legislation throughout the country recognizing that reforms in one subnational unit may serve as a model for other subnational units.
- (d) Supporting the women's movement to advocate for good practice sexual assault offences legislation, recognizing that criminal law is sometimes a central power and sometimes a subnational power and different strategies may be required in different contexts.

- (e) Recognizing that harmful customary and traditional practices may be strengthened in decentralized federal systems and supporting interventions to challenge those practices particularly those led by local women.
- (f) Recognizing the need for specialized, gender-sensitive services to support victims of violence against women such as female police-officers, women's refuges and medical services in decentralized contexts.
- (g) Supporting training of local community leaders in appropriate responses to gender-based violence and encouraging public awareness campaigns.
- (h) Developing strategies to engage men and boys in preventing gender-based violence, recognizing it may be more challenging to implement in a decentralized environment.

4. Advancing **equality of women in the family** by:

- (a) Fostering the introduction of good practice country-wide family laws and preventing legal pluralism and decentralization from encouraging harmful social, cultural, ethnic and religious differences to be expressed within subnational units.
- (b) Recognizing that when the regulation of the family is allocated to subnational units, discriminatory religious and customary practices may be further entrenched disadvantaging women.
- (c) Recognizing that when the power to regulate the family is shared between the central and subnational units inconsistent and complicated rules may result.
- (d) Supporting and advocating for local justice mechanisms run by women.
- (e) Supporting women to work with community based decision-making bodies solidly anchored in communities to reform their structures, procedures and substantive standards.
- (f) Recognizing that if religion and state are firmly intertwined resulting in family laws that discriminate against women, supporting local women to have a voice is an effective strategy to change and reform.

5. Foster opportunities to **increase women's political representation and participation** by:

- (a) Advocating for a proportional representation electoral system with an open 'zipper' list at all receptive governance levels.
- (b) Advocating and encouraging the adoption of gender electoral quotas at all receptive governance levels recognizing that different forms of gender quota may be best suited for particular local contexts.
- (c) Recognizing that the federal advantage of increased representation in federal countries requires further support for women to enable them to succeed and enhance their participation including:
 - a. training women politicians to make better use of social media – helping them to understand how to 'know their audiences', how to use social media to raise funds, how to deliver targeted and relevant messages, how to increase their interactivity with followers and share their

- personal stories with followers, and how to keep up with changes in social media platforms and use instructional resource;
- b. supporting and encouraging positive media coverage and discouraging the use of gender role stereotypes;
 - c. supporting women to develop politically relevant networks recognizing the challenges of fragmentation of the women's movement in federal systems;
 - d. providing information for women on how to run for public office;
 - e. dismantling the many barriers - cultural, societal, and institutional - to sustained female participation in local, subnational and national government.
- (d) Supporting the recruitment of female candidates by actively approaching and recommending women to sit on local level commissions, boards and committees as a preliminary step in gaining experience, skills and voice that may equip them for more senior positions.
 - (e) Supporting women to run for subnational premier, mayor or governor through training programs, fund-raising initiatives and assisting with media campaigns to promote candidate visibility.
 - (f) Supporting the introduction of gender-sensitive parliaments, including child-care, flexible sitting hours, and appropriate security measures.
 - (g) Recognizing that although decentralization creates more opportunities for women to participate in subnational and local governance, gender norms, gender roles, gender role stereotypes, and cultural and religious practices may frustrate women's ability to participate meaningfully.
 - (h) Recognizing the heightened importance of men as allies in federal systems because of the impact of decentralization which fragments the women's movement, and work to bring them into the women's movement including advocating for support of voluntary gender quotas, women's role in political parties, for women to be selected as candidates, and support registration of female voters.
6. Foster women's **economic empowerment** by:
- (a) Supporting the introduction of country-wide employment rights for women, including equal pay for equal work, maternity, paternity and parental leave provisions, sexual harassment protection, and child-care provision. If the power to enact employment rights is with the subnational units, support women to target receptive units recognizing that success in one subnational unit may result in a 'race to the top' and policy transfer to other subnational units.
 - (b) In a cooperative federal system, working together with receptive subnational units and the central government to enact and implement employment rights for women.
 - (c) Developing and supporting access to funding initiatives for women in small and medium businesses in regional and local areas.
 - (d) Providing training for women in financial literacy, business management, accounts, networking and markets.

8.4 FURTHER RESEARCH

The report has synthesized and analyzed existing research, data and literature from a range of sources to make a series of findings and provide comparative examples between different federal countries, and between unitary countries and federal countries. The literature on federal systems and gender dynamics is expanding across a range of academic disciplines and there is also increasing availability of primary data on gender dynamics in federal countries, as governments place important information on the internet. However, there are a number of areas in which further research would greatly enhance the existing knowledge base and where there is little or no secondary literature or primary data available. The report recommends further research be conducted in the following select areas.

Protection of Rights

- (a) Include studies which apply an intersectional framework to discover and generate data on the nexus of discriminations women confront (e.g. race, ethnicity, indigenous, sexual identification/orientation).
- (b) Data collection is central to the protection of women's rights.
 - a. Does a federal model of governance, for example, make it more difficult to coordinate the collection and dissemination of sex disaggregated data across subnational units in a meaningful, systematic way?
 - b. Is it desirable in federal countries that the collection of statistics is highly centralized, or are there benefits to decentralizing data collection?
 - c. Does a federal country more effectively collect sex disaggregated data if it regularizes data collection and makes it mandatory for particular agencies and organizations to collect and analyze data throughout the nation?

Service Delivery

- (a) Understanding the differences in gender-sensitive service delivery (if any) between decentralized unitary countries and decentralized federal countries.
- (b) Understanding the operation of and impact of corruption and patronage on women in decentralized contexts.

Political Representation and Participation

- (a) Identifying the number of women in subnational governments and in local governance structures.
- (b) Information on the number of women on decision-making or fact-finding committees and the roles they play in government, particularly subnational governments.
- (c) Identifying the number of women who are subnational leaders. While information is available on some government websites, it is difficult to locate.
- (d) Empirical research, particularly at local level, on the role women play in decision-making and the responsibilities they are given once in office.

- (e) Empirical research on women's campaigns for election at every governance level, and the support they are given by their political party.
- (f) Understanding the voting patterns and preferences of men and women in relation to women candidates. What influences a voter to vote for a women candidate?

Economic Empowerment

- (a) Comparing women's employment rights across federal countries with unitary countries.
- (b) Understanding the relationship between gender, the civil service and federal systems.
 - a. Does a federal system enhance opportunities for women in employment in the civil service, given that the civil service is larger and more dispersed in federal countries?
 - b. Do women consequently have greater opportunities for senior roles and more influential positions?
 - c. Does federalism improve and enhance the opportunity for gender-equality initiatives and programmes initiated by the civil service across the nation?
- (c) Women play an increasing role in entrepreneurship in both small, medium and large businesses, formal and informal, in federal countries. There is, however, very little research on the relationship between women in business and federal systems.
 - a. Does decentralization increase or decrease women's opportunities to access finance, to increase financial literacy, and to grow businesses?
 - b. Are the barriers facing women in business greater in federal countries?
 - c. Are there examples of policy transfer in federal countries that can serve as an example to other countries?

BIBLIOGRAPHY

- Abadeer, Adel, *Norms and Gender Discrimination in the Arab World* (Springer, 2015).
- Abbink, Joe, 'Ethnic-based Federalism and Ethnicity in Ethiopia: Reassessing the Experiment after 20 Years' (2011) 5(4) *Journal of Eastern African Studies* 596-618.
- Abdollahi, Fatemeh, Farrideh R Abhari, Mouloud A Delavar and Jamshid Y Charati, 'Physical Violence against Pregnant Women by an Intimate Partner, and Adverse Pregnancy Outcomes in Mazandaran Province, Iran' (2015) 22(1) *Journal of Family and Community Medicine* 13-18.
- Abrigo, Michael and Danica Ortis, *Devolution of Health Services, Fiscal Decentralization and Antenatal Care in the Philippines* (Philippine Institute for Development Studies, 2017).
- Ackerson, Leland K, Ichiro Kawachi, Elizabeth M. Barbeau and S.V. Subramanian, 'Effects of Individual and Proximate Educational Context on Intimate Partner Violence: A Population-Based Study of Women in India' (2008) 98(3) *American Journal of Public Health* 507-514.
- Adeney Katherine, *Federalism and Conflict Resolution in India and Pakistan* (Palgrave, 2016).
- Adler, Libby, 'Federalism and Family' (1999) 8 *Columbia Journal of Gender and the Law* 197-259.
- Adnan, Airil Haimi Mohd, Riza Jaafar, Zarul Azhar, Nor Marini, 'Just Sisters doing Business Between Us': Gender, Social Entrepreneurship and Entrepreneurial Resilience in Rural Malaysia' (2016) 27(2-3) *International Journal of Entrepreneurship and Small Business* 273-288.
- Afridi, Farzana, Vegard Iversen and M. R. Sharan, 'Women Political Leaders, Corruption, and Learning: Evidence from a Large Public Program in India' (2017) 66(1) *Economic Development and Cultural Change* 1-30.
- Afridi, Farzana, Abhiroop Mukhopadhyay and Soham Sahoo, 'Female Labor Force Participation and Child Education in India: Evidence from the National Rural Employment Guarantee Scheme' (2016) 5(1) *IZA Journal of Labor and Development* 1-27.
- Agarwala, Raj Kumari, 'Restitution of Conjugal Rights under Hindu Law: A Plea for the Abolition of the Remedy' (2016) 12 *Journal of the Indian Law Institute* 257-268.
- Agnes, Flavia, 'Diverse Personal Laws, Gender Justice and Controversy over the Uniform Civil Code' in *Legal Pluralism and Indian Democracy* (Routledge India, 2017) 44-66.
- Aguirre, DeAnne and Leila Hoteit, *Empowering the Third Billion: Women and the World of Work in 2012* (Booz and Company, 2012).
- Agrawal, Manju and Hai Kakul, 'Women Courts: An Alternative Justice System for Women' (2016) 77(1) *Indian Journal of Social Work* 53-66.
- Ajala, Taiwo, 'Gender Discrimination in Land Ownership and the Alleviation of Women's Poverty in Nigeria: A Call for New Equities' (2017) 17(1) *International Journal of Discrimination and the Law* 51-66.
- Aklilu, Asha, Abenet Belete and Theresa Moyo, 'Challenges Facing Decentralization and Community Participation in Local Development in Capricorn District Municipality, South Africa' (2016) 54(2) *Journal of Human Ecology* 131-137.
- Al-Ali Nadjie and Nicola Patt, 'Between Nationalism and Women's Rights. The Kurdish Women's Movement in Iraq' (2011) 4 *Middle East Journal of Culture and Communication* 339-355.
- Al-Ali, Nadjie, 'Reconstructing Gender: Iraqi Women between Dictatorship, War, Sanctions and Occupation' (2005) 26(4-5) *Third World Quarterly* 739-758.
- Alba, Ruibal 'Federalism and Sub-National Legal Mobilization. Feminist Litigation Strategies in Salta, Argentina' (2018) 52(4) *Law and Society Review* 928-959.
- Albanese, Patrizia and AnnRauhala, 'A Decade of Disconnection. Childcare Policies in Changing Economic Times in the Canadian Context' (2015) 6(2) *International Journal of Child, Youth and Family Studies* 252-274.
- Ali, Tazeen, Nargis Asad, Ingrid Mogren and Gunilla Krantz, 'Intimate Partner Violence in Urban Pakistan: Prevalence, Frequency, and Risk Factors' (2011) 3 *International Journal of Women's Health* 13-18.
- Allagui, Ilhem and Abeer Al-Najjar, 'From Women Empowerment to Nation Branding: A Case Study from the United Arab Emirates' (2018) 12 *International Journal of Communication* 68-85.
- Almodóvar-Reteguis, Nayda, Khrystyna Kushnir, and Thibault Meilland. *Mapping the Legal Gender Gap in Using Property and Building Credit*. (World Bank, 2013).

- Alonso, Alba, 'Thriving or Dividing? The Women's Movement and the Independence Referenda in Scotland and Catalonia' (2018) 14(3)*Politics and Gender* 460-482.
- Alonso, Alba and Tania Verge, 'Territorial Dynamics and Gender Equality Policies in Spain' (2014) 14 FÉDÉRALISME RÉGIONALISME <<https://popups.uliege.be:443/1374-3864/index.php?id=1365>>
- Amaral, Sofia, Prakash Nishith and Sonia Bhalotra, 'Gender, Crime and Punishment: Evidence from Women Police Stations in India' (2018) <http://barrett.dyson.cornell.edu/NEUDC/paper_32.pdf>.
- Amirault, Joanna and Eric Beauregard, 'The Impact of Aggravating and Mitigating Factors on the Sentence Severity of Sex Offenders: An Exploration and Comparison of Differences Between Offending Groups' (2014) 25(1)*Criminal Justice Policy Review* 78-104.
- Anderson, Scott, 'Conceptualizing Rape as Coerced Sex'(2016) 127(1) *Ethics* 50-87.
- Anitha, Sundari, Harshita Yalamarty and Anupama Roy, 'Changing Nature and Emerging Patterns of Domestic Violence in Global Contexts: Dowry Abuse and the Transnational Abandonment of Wives in India'(2018) 69 *Women's Studies International Forum* 67-75.
- Antonio, Hernandez, 'Judicial Federalism and the Protection of Fundamental Rights in Argentina' (2009-2010) 41 *Rutgers Law Journal* 907-931.
- Appleby, Gabrielle , 'The High Court and Kable: A Study in Federalism and Rights Protection' (2014) 40(3) *Monash University Law Review* 673-697.
- Ara, Iffat, Muhammad Sabir, and Mahmood Khalid, 'Decentralisation of GST Services and Vertical Imbalances in Pakistan [with Comments]' (2010)49(4) *Pakistan Development Review* 479-495.
- Araujo, Joaquim and Francisca Tejedo-Romero, 'Women's Political Representation and Transparency in Local Governance' (2016) 42(6)*Local Government Studies* 885-906.
- Arora, Vinita Luxmi Rani Kulshreshtha and V. Upadhyay, 'Mahatma Gandhi National Rural Employment Guarantee Scheme: A Unique Scheme for Indian Rural Women' (2013) 3(2)*International Journal of Economic Practices and Theories* 108-114.
- Aroney, Nicholas and John Kincaid (eds), *Courts in Federal Countries: Federalists or Unitarists?* (University of Toronto Press 2017).
- Asian Development Bank, *Guidance Note: Gender and Law. Temporary Special Measures to Promote Gender Equality* 2012. <<http://www.adb.org/documents/guidance-note-gender-and-law-temporary-special-measures-promote-gender-equality>>.
- Baird, Marian, and Gillian Whitehouse, 'Paid Parental Leave: First Birthday Policy Review' (2012) 38(3)*Australian Bulletin of Labour*184-198.
- Baker, Charlene K, Joseph Warren, Chiquita Rollins and Nancy E. Glass, 'Domestic Violence, Housing Instability, and Homelessness: A Review of Housing Policies and Program Practices for Meeting the Needs of Survivors' (2010) 15(6) *Aggression and Violent Behavior* 430-439.
- Bakre, Owolabi, Sarah George Lauwo and Sean McCartney, 'Western Accounting Reforms and Accountability in Wealth Redistribution in Patronage-Based Nigerian Society' (2017) 30(6)*Accounting, Auditing & Accountability Journal*1288-1308.
- Banaszak, Lee Ann and Laurel Weldon, 'Informal Institutions, Protest, and Change in Gendered Federal Systems' (2011) 7(2) *Politics and Gender* 262-273.
- Barnes, Tiffany and Stephanie Burchard, "'Engendering" Politics: The Impact of Descriptive Representation on Women's Political Engagement in Sub-Saharan Africa' (2013) 46(7)*Comparative Political Studies*767-790.
- Barnes, Tiffany and Mark P. Jones, 'Women's Representation in Argentine National and Subnational Governments' (2018) *Gender and Representation in Latin America* 121-139.
- Barnes, Tiffany, 'Women's Representation and Legislative Committee Appointment: The Case of the Argentine Provinces' (2014) 23 *Revista Uruguaya de Ciencia Política* 135-163.
- Barnes, Tiffany, Emily Beaulieu and Gregory W. Saxton, 'Restoring Trust in the Police: Why Female Officers Reduce Suspicions of Corruption' (2018) 31(1) *Governance* 143-161.
- BarNir, Anat, 'Starting Technologically Innovative Ventures: Reasons, Human Capital, and Gender'(2012) 50(3) *Management Decision* 399-419.
- Basu, Amrita, *Women, Political Parties and Social Movements in South Asia*, UNRISD Occasional Paper, No. 5, 2005.

- Batliwala, Srilatha, 'Transforming of Political Culture: Mahila Samakhya Experience' (1996)31(21) *Economic and Political Weekly* 1248-1251.
- Bawa, Aisha Balarabe, 'Muslim Women and Sharia Implementation in Northern Nigeria: An Overview of Fomwan' (2017) 18(1)*Unizik Journal of Arts and Humanities* 149-167.
- Bayeh, Endalcachew, 'The Place of Customary and Religious Laws and Practices in Ethiopia: A Critical Review of the Four Modern Constitutions' (2015) 4(4) *Social Sciences*90-93.
- Beauregard, Katrine, 'Gender, Political Participation and Electoral Systems: A Cross-National Analysis' (2014) 53(3) *European Journal of Political Research* 617-634.
- Becker, Lasse and Kilian Bizer, *Federalism and Innovation Support for Small and Medium-Sized Enterprises: Empirical Evidence in Europe*. No. 245. Discussion Papers (Centre for European Governance and Economic Development Research, 2015).
- Begikhani, Nazand and Aisha K. Gill, *Honour-Based Violence: Experiences and Counter-Strategies in Iraqi Kurdistan and the UK Kurdish Diaspora* (Routledge, 2016).
- Begikhani, Nazand and Najat M. Faraj, 'Legal Treatment of Honour Crimes: Comparison between Iraqi National and the Kurdistan Region's Laws' (2016) 3(2) *European Journal of Comparative Law and Governance*130-152.
- Belwal, Rakesh, Misrak Tamiru and Gurmeet Singh, 'Microfinance and Sustained Economic Improvement: Women Small-Scale Entrepreneurs in Ethiopia (2012)24 *Journal of International Development*84-99.
- Benstead, Lindsay 'Why Quotas Are Needed to Improve Women's Access to Services in Clientelistic Regimes' (2016) 29(2)*Governance* 185-205.
- Beresford, Alexander 'Power, Patronage, and Gatekeeper Politics in South Africa' (2015) 114(455)*African Affairs*226-248.
- Bettinger-Lopez, Caroline, *Developing a National Plan of Action on Violence Against Women and Gender Violence: A Human Rights Approach* (2018).
- Beyeler, Michele, 'Direct and Indirect Effects of Federalism on Gender Equality Policies. Insights from Switzerland' (2015) 14 *Federalisme Regionalisme* <<https://popups.uliege.be/1374-3864/index.php?id=1364&lang=en>>
- Bezanson, Kate, 'Feminism, Federalism and Families: Canada's Mixed Social Policy Architecture'(2018) 14 *Journal of Law and Equality* 169-198.
- Bhalotra, Sonia, Irma Clots-Figueras and Lakshmi Iyer, 'Pathbreakers? Women's Electoral Success and Future Political Participation' (2017) 128(613)*The Economic Journal*1844-1878.
- Bhuyan, Rupaleem, 'Negotiating Citizenship on the Frontlines: How the Devolution of Canadian Immigration Policy Shapes Service Delivery to Women Fleeing Abuse' (2012) 34(2) *Law and Policy* 211-236.
- Boehm, Frédéric and Erika Sierra, 'The Gendered Impact of Corruption: Who Suffers More? Men or Women?' *U4 Brief* (2015) 1-4 <<http://hdl.handle.net/11250/2475280>>
- Bolaji, Mohammed, 'Between Democracy and Federalism Sharia'ah in Northern Nigeria and the Paradox of Institutional Impetuses' (2013) 59(4) *Africa Today* 92-117.
- Bonoli, Giuliano and Cyrielle Champio, 'Federalism and Welfare to Work in Switzerland: The Development of Active Social Policies in a Fragmented Welfare State (2014) 45(1) *Publius. Journal of Federalism* 77-98.
- Borker, Girija *Safety First: Perceived Risk of Street Harassment and Educational Choices of Women* (Girija Borker, 2017) <https://girjaborker.files.wordpress.com/2017/11/borker_jmp.pdf>
- Braden, Maria, *Women Politicians and the Media* (University Press of Kentucky, 2015).
- Bradley, Samantha, 'Domestic and Family Violence in Post-Conflict Communities. International Human Rights Law and the Staes Obligation to Protect Women and Children' (2018) 20(2) *Health and Human Rights* 123-136.
- Brennan Deborah, 'Federalism, Childcare and Multilevel Governance in Australia' in Marian Sawyer, Melissa Haussman and Jill Vickers (eds) *Federalism, Feminism and Multilevel Governance* (Ashgate, 2012) 37-51.
- Bhuputra, Harsah and Sanjay Zodpey, 'Does Decentralization Influence Efficiency of Health Units? A Study of Opinion and Percception of Health Workers in Odisha' (2016) *BMC Health Services Research* 29-41.
- Bond, Johanna, 'Gender, Discourse and Customary Law in Africa' (2010) 83 *Californian Law Review* 509-574.
- Bouka, Yolande, Marie E. Berry and Marilyn Muthoni Kamuru, 'Women's Political Inclusion in Kenya's Devolved Political System' (2019) *Journal of Eastern African Studies*1-21.
- Brake,Elizabeth, *Minimizing Marriage: Marriage, Morality, and the Law* (Oxford University Press, 2011).

- Brewer, Gayle, Mark Roy and Yvonne Smith, 'Domestic Violence: The Psychosocial Impact and Perceived Health Problems' (2010) 2 *Journal of Aggression, Conflict and Peace Resolution* 4-15.
- Buckley, Fiona and Rachel Gregor, 'Gendering Candidate Selection in Ireland. Incentivizing Parties through State Funding' in Ragnhild Muriaas, Vibeke Wong and Rainbow Murray (eds) *Gendered Electoral Funding. Money, Power and Representation in Comparative Perspectives* (Routledge, 2020).
- Budlender, Debbie, *Promoting Gender Equality through Social Dialogue in South Africa* (Community Agency for Social Enquiry, Cape Town, June 2010).
- Bünning, Mareike, 'What Happens after the 'Daddy Months'? Fathers' Involvement in Paid Work, Childcare, and Housework after Taking Parental Leave in Germany' (2015) 31(6) *European Sociological Review* 738-748.
- Burnet, Jennie, 'Women have found Respect: Gender Quotas, Symbolic Representation, and Female Empowerment in Rwanda' (2011) 7(3) *Politics and Gender* 303-334.
- Burnett, Margaret, Kelcey Winchar, and Adelicia Yu, 'A History of Women's Reproductive Rights in Canada' (2019) 41(5) *Journal of Obstetrics and Gynaecology Canada* 713.
- Burton, Mandy, 'Emergency Barring orders in Domestic Violence Cases: What can England and Wales Learn from other European Countries' (2015) 27 *Child and Family Law Quarterly* 25-43.
- Buss, Doris and Jennifer Koshan, 'Sexual Assault in Canada: Law, Legal Practice and Women's Activism' (2015) 27 *Canadian Journal of Women and the Law* 130-147.
- Cabral, Lidia, *Decentralisation in Africa: Scope, Motivations and Impact on Service Delivery and Poverty* (Overseas Development Institute, 2011).
- Caldeira, Emilie, Martial Foucault and Grégoire Rota-Graziosi, 'Decentralization in Africa and the Nature of Local Governments' Competition: Evidence from Benin' (2015) 22(6) *International Tax and Public Finance* 1048-1076.
- Callaghan, Jane, Yaganama Gambo, and Lisa C. Fellin, 'Hearing the Silences: Adult Nigerian Women's Accounts of 'Early Marriages'' (2015) 25(4) *Feminism and Psychology* 506-527.
- Carbone, June and Naomi Cahn, 'Marriage, Parentage, and Child Support' (2011) 45 *Family Law Quarterly* 219-240.
- Carlson Katie and Shirley Randell, 'Gender and Development: Working with Men for Gender Equality in Rwanda' (2017) 27(1) *Agenda* 114-125.
- Carlson, Juliana, Erin Casey, Jeffrey L. Edleson, Richard M. Tolman, Tova B. Neugut and Ericka Kimball, 'Strategies to Engage Men and Boys in Violence Prevention: A Global Organizational Perspective' (2015) 21(11) *Violence against Women* 1406-1425.
- Casari, Marco and Maurizio Lisciandra, 'Gender Discrimination in Property Rights: Six Centuries of Commons Governance in the Alps' (2016) 76(2) *The Journal of Economic History* 559-594.
- Castro-García, Carmen and Maria Pazos-Moran, 'Parental Leave Policy and Gender Equality in Europe' (2016) 22(3) *Feminist Economics* 51-73.
- Cavalieri, Marina and Livio Ferrante, 'Does Fiscal Decentralization Improve Health Outcomes? Evidence from Infant Mortality in Italy' (2016) 164 *Social Science and Medicine* 74-88.
- Celis, Karen, 'Substantive Representation of Women: The Representation of Women's Interests and the Impact of Descriptive Representation in the Belgian Parliament (1900-1979)' (2007) 28(2) *Journal of Women, Politics and Policy* 85-114.
- Celis, Karen and Petra Meier, 'Other Identities in Ethnofederations: Women's and Sexual Minorities' Advocacy in Belgium' (2017) 199(4) *National Identities* 415-432.
- Celis, Karen, Fiona MacKay and Petra Meier, 'Social Movement Organizations and Changing State Architectures: Comparing Women's Movement Organizing in Flanders and Scotland' (2012) 43(1) *Publius. The Journal of Federalism* 44-67.
- Cecchi, Francesco and Mequanint Biset Melesse, 'Formal Law and Customary Change: A Lab-in-field Experiment in Ethiopia' (2016) 125 *Journal of Economic Behavior and Organization* 67-85.
- Chadha, Anuradha 'Law Relating to Sexual Harassment of Women at the Workplace in India: A Critical Review' (2018) 1-23 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3171264>.
- Chan, Ko Ling and Esther Cho, 'A Review of Cost Measures for the Economic Impact of Domestic Violence' (2010) 11 *Trauma, Violence and Abuse* 129-143.

- Chappell, Louise, 'Nested Newness and Institutional Innovation: Expanding Justice in the International Criminal Court' (2011) in Mona Krook and Fiona Mackay (eds) *Gender, Politics and Institutions: Towards a Feminist Institutionalism* (Palgrave, 2011) 163-180.
- Chappell, Louise and Jennifer Curtin, 'Does Federalism Matter? Evaluating State Architecture and Family and Domestic Violence Policy in Australia and New Zealand' (2013) 43(1) *Publius: The Journal of Federalism* 24-43.
- Chappell, Louise and Mayet Costello, 'Australian Federalism and Domestic Violence Policy-Making' (2011) 46(4) *Australian Journal of Political Science* 633-650.
- Chappell, Louise, 'Federalism and Social Policy: The Case of Domestic Violence' (2001) 60(1) *Australian Journal of Public Administration* 59-69.
- Charlesworth, Sara and Fiona Macdonald, 'Australia's Gender Pay Equity Legislation: How New, How Different, What Prospects?' (2014) 39(2) *Cambridge Journal of Economics* 421-440.
- Chauchard, Simon, 'Can Descriptive Representation Change Beliefs about a Stigmatized Group? Evidence from Rural India' (2014) 108(2) *American Political Science Review* 1-20.
- Chaudhuri, Soma and Sarah Fitzgerald, 'Rape Protests in India and the Birth of a New Repertoire' (2015) 14(5) *Social Movement Studies* 622-628.
- Chattopadhyay, Raghavendra and Esther Duflo. 'Women as Policy Makers: Evidence from a Randomized Policy Experiment in India' (2004) 72(5) *Econometrica* 1409-1443.
- Chen, Li-Ju, 'Do Gender Quotas Influence Women's Representation and Policies?' (2010) 7(1) *European Journal of Comparative Economics* 13-61.
- Chenier, Elise, 'The Natural Order of Disorder: Pedophilia, Stranger Danger and the Normalising Family' (2012) 16(2) *Sexuality and Culture* 172-186.
- Chesler, Phyllis, 'Worldwide Trends in Honor Killings' (2010) *Middle East Quarterly* 3-11.
- Chon, Don Soo, 'Police Reporting by Sexual Assault Victims in Western and in Non-Western Countries' (2014) 29(8) *Journal of Family Violence* 859-868.
- Choudhry, Shazia and Jonathan Herring., 'Righting Domestic Violence' in *Marital Rights* (Routledge, 2017).
- Clots-Figueras, Irma, 'Women in Politics: Evidence from the Indian States' (2011) 95(7-8) *Journal of Public Economics* 664-690.
- Coburn, Patrica, Kristin Chong and Deborah A. Connolly, 'The Effect of Case Severity on Sentence Length in Cases of Child Sexual Assault in Canada' (2017) 26(3) *Journal of Child Sexual Abuse* 319-333.
- Cole, Mike, *Education, Equality and Human Rights: Issues of Gender, 'Race', Sexuality, Disability and Social Class* (Routledge, 2017).
- Coomaraswamy, Radhika *Cultural Practices in the Family that are Violent Towards Women* (UN ESCOR, 2002)
- Correa Fernanda, 'Federalism and Gender Quotas in Mexico: Analysing *Propietario* and *Suplente* Nominations' (2014) 50(1) *Journal of Representative Democracy* 321-335.
- Crawford, Mary, 'Where are the Women MPs?' (2013) 28(2) *Australasian Parliamentary Review* 10-24.
- Curran, Ericka and Elsje Bonthuy, *Customary Law and Domestic Violence in Rural South African Communities* (Centre for the Study of Violence and Reconciliation 2004). < <http://www.csvr.org.za>>
- Dashora, Kamini, 'Problems Faced by Working Women in India' (2013) 2(8) *International Journal of Advanced Research in Management and Social Sciences* 82-94.
- Decker, Michele, Charvonne N. Holliday, Zaynab Hameeduddin, Roma Shah, Janice Miller, Joyce Dantzler and Leigh Goodmark, "'You Do Not Think of Me as a Human Being": Race and Gender Inequities Intersect to Discourage Police Reporting of Violence against Women' (2019) *Journal of Urban Health* 1-12.
- Deininger, Klaus, Songqing Jin, Hari Nagarajan and Fang Xia, *Inheritance Law Reform, Empowerment, and Human Capital Accumulation: Second-Generation Effects from India* (World Bank, 2014).
- Deininger, Klaus, Songqing Jin, Hari Nagarajan and Fang Xia, 'Does Female Reservation Affect Long-Term Political Outcomes? Evidence from Rural India' (2015) 51(1) *Journal of Development Studies*
- Deloitte, *Women in the Boardroom: A Global Perspective—Fifth Edition* (2017).
- Delgado-Márquez, Blanca Adolfo López-Carmona and Victoriano Ramírez-González, 'Ensuring Parliamentary Gender Equality through a New Zipper Method: An Application to Finland' (2014) 116(2) *Social Indicators Research* 475-492.

- De Vaus, David, Matthew Gray, Lixia Qe and David Stanton, 'The Effect of Relationship Breakdown on Income and Social Exclusion' (2010) *Social Security, Poverty and Social Exclusion in Rich and Poorer Countries* (Intersentia, 2010).
- De Pietro, Carlo, Paul Camenzind, Isabel Sturny, Luca Crivelli, Suzanne Edwards-Garavoglia, Anne Speranger, Friedrich Wittenbercher and Wilm Quentin, 'Switzerland: Health System Review' (2015) 17(4)*Health Systems in Transition* 1-288.
- Dhara, Gill and Bennett Matthews, 'Changes in the Breadwinner Role: Punjabi Families in Transition' (1995)*Journal of Comparative Family Studies* 255-263.
- Dhal, Sangita and Bidyut Chakrabarty, 'Deepening Democracy in India: The Role of Women Parliamentarians and Their Challenges.' *Women in Governing Institutions in South Asia* (Palgrave Macmillan, 2018) 59-77.
- Dhagamwar, Vasudha, *Towards the Uniform Civil Code* (Indian Law Institute, 2015).
- Diamond, James, 'Practicing Indian Law in Federal, State and Tribal Criminal Courts: An Update About Recent Expansion of Criminal Jurisdiction Over Non-Indians' (2018) 32 94) *Criminal Justice* 9-12.
- Doyle, Charlotte, *The Revival of Pay Equity in New Zealand: The Pursuit of a Social Goal Through Law Reform* Victoria University of Wellington Legal Research Paper, Paper No. 47 (2017).
- Douglas, Heather, 'Domestic Violence Protection Orders and their Role in Ensuring Personal Security' in *Intimate Partner Violence, Risk and Security* (Routledge, 2018) 216-232.
- Drury Benjamin and Cheryl R. Kaiser, 'Allies Against Sexism: The Role of Men in Confronting Sexism' (2014) 70(4) *Journal of Social Issues* 637-652.
- Dunckel, Amy, 'Finding Mobility: Women Negotiating Fear and Violence in Mexico City's Public Transit System' (2016) 23(5)*Gender, Place and Culture* 624-640.
- Duflo, Esther, 'Women Empowerment and Economic Development' (2012) 50(4) *Journal of Economic Literature* 1051-1079.
- Duvander, Ann-Zofie and Mats Johansson, 'What are the Effects of Reforms Promoting Fathers' Parental Leave Use?' (2012) 22(3)*Journal of European Social Policy* 319-330.
- Dyson, Tim and Mick Moore, 'On Kinship Structure, Female Autonomy, and Demographic Behaviour in India' (1983) 9 *Population and Development Review* 35-60.
- Ebobrah, Solomon and Felix Eboibi, 'Federalism and the Challenge of Applying International Human Rights Law Against Child Marriage in Africa' (2017) 61(3)*Journal of African Law* 333-354.
- Edwards, Louise and Mena Roces, *Women's Suffrage in Asia: Gender, Nationalism and Democracy* (Oxford: Routledge, 2004).
- Erne, Roland and Natalie Imboden, 'Equal Pay by Gender and by Nationality: A Comparative Analysis of Switzerland's Unequal Equal Pay Policy Regimes across Time' (2015) 39(2)*Cambridge Journal of Economics* 655-674.
- Erturk, Yakin, 'Foreword' in Aisha Gill and Sundari Anitha (eds) *Forced Marriage: Introducing a Social Justice and Human Rights Perspective* (Zed Books, 2012).
- Evans, Elizabeth, Karen Childs and Johanna Kantola, 'Feminist Allies and Strategic Partners. Exploring the Relationship between the Women's Movement and Political Parties' (2016) 22(5) *Party Politics* 631-640.
- Farran, Sue, *Human Rights in the South Pacific: Challenges and Changes* (Federation Press, 2009).
- Fayokun, Kayode Olatunbosunx , 'Legality of Child Marriage in Nigeria and Inhibitions against Realisation of Education Rights' (2015) 12 *US-China Law Review* 812-826.
- Fedorets, Alexandra, Anna Gilbert and Norma Burow, *Gender Quotas in the Boardroom. New Evidence from Germany* (DIW Berlin, 2019).
- Feijten, Peteke and Clara H. Mulder, 'Gender, Divorce and Housing—a Life Course Perspective' in *Wohnen und Gender* (VS Verlag für Sozialwissenschaften, 2010) 175-193.
- Fincham, Kathleen, 'Gender and Primary School Dropout in Sudan: Girls' Education and Retention in Red Sea State' (2018)*PROSPECTS* 1-16.
- Flores, Maria, 'Women's Human Rights in the Framework of Argentine Domestic Law: Treatment since the Return to Democracy' (1999) 7(2) *American University Journal of Gender, Social Policy and the Law* 335- 341.
- Forster, Christine, *Global Good Practices in Advancing Gender Equality and Women's Empowerment in Constitutions* (UNDP, 2016).

- Forster, Christine and Vedna Jivan, *Gender Equality Laws: Global Good Practice and a Review of Five Southeast Asian Countries* (UNIFEM, 2009).
- Forster, Christine and Vedna Jivan, 'Abortion Law in NSW: Shifting from Criminalization to the Reproductive Rights of Women and Girls' (2017) 24 *Journal of Law and Medicine* 850-863.
- Forster, Christine, 'Sexual Offences Law Reform in Pacific Island Countries: Replacing Colonial Norms with International Good Practice Standards' (2010) 33(3) *Melbourne University Law Review* 833-854, 835.
- Forster, Christine and Jaya Sagade, *Women's Human Rights in India* (Routledge, 2019).
- Fournier, Pascale, Pascal McDougall and Merissa Lichtsztral, 'Secular Rights and Religious Wrongs-Family Law, Religion and Women in Israel' (2011) 18 *William and Mary Journal of Women and the Law* 333-362.
- Fortin, Pierre, Luc Godbout and Suzie St-Cerny, *Impact of Quebec's Universal Low Fee Childcare Program on Female Labour Force Participation, Domestic Income, and Government Budgets* (2012). <https://fondationchagnon.org/media/1531/fortin-godbout-st_cerny_eng.pdf>
- Franceschet, Susan 'Gender Policy and State Architecture in Latin America' (2011) 7(2) *Politics and Gender* 273-279.
- Franceschet, Susan, Jennifer M. Piscopo and Gwynn Thomas, 'Supermadres, Maternal Legacies and Women's Political Participation in Contemporary Latin America' (2016) 48(1) *Journal of Latin American Studies* 1-32.
- Fraser, Nancy, 'After the Family Wage: Gender Equity and the Welfare State' (1994) 22(4) *Political Theory* 591-618.
- Fulu, Emma and Stephanie Miedema, 'Globalization and Changing Family Relations: Family Violence and Women's Resistance in Asian Muslim Societies' (2016) 74(11-12) *Sex Roles* 480-494.
- García-Moreno, Claudia and Christina Pallitto, *Global and Regional Estimates of Violence against Women: Prevalence and Health Effects of Intimate Partner Violence and Nonpartner Sexual Violence* (WHO, 2013).
- Gebregezabher, Amleset, 'Women's Participation in Water Resource Management, in Case of Enderta District, Tigray Region, Ethiopia' (2019) 10(11) *JWARP* 1047-1060.
- Ghuman, Bhura and Ranjeet Singh 'Decentralisation and Delivery of Public Services in Asia' (2013) 32(1) *Policy and Society* 7-21.
- Gill, Aisha and Sundari Anitha, 'Coercion, Consent and the Forced Marriage Debate in the UK' *Marital Rights* (Routledge, 2017) 133-152.
- Global Entrepreneurship Monitor, Smith College, *Women's Entrepreneurship 2016/2017 Report* (Smith College 2017). <https://scholarworks.smith.edu/conway_research/1>
- Goetz, Anne Marie and Rob Jenkins, 'Feminist Activism and the Politics of Reform: When and Why Do States Respond to Demands for Gender Equality Policies?' (2018) 49(3) *Development and Change* 714-734.
- Goetz, Anne Marie, 'Political Cleaners: Women as the New Anti-Corruption Force?' (2007) 38(1) *Development and Change* 87-105.
- Goldblatt, Beth, *Developing the Right to Social Security. A Gender Perspective* 2016 (Routledge, London, 2016).
- Goudaand, Moamen, Niklas Potrafke, 'Gender Equality in Muslim-Majority Countries' (2016) 40(4) *Economic Systems* 683-698.
- Gosh, Partha, *Politics of Personal Law in South Asia: Identity, Nationalism and the Uniform Civil Code* (Routledge, 2018)
- Grabe, Shelly, Rose Grace Grose and Anjali Dutt, 'Women's Land Ownership and Relationship Power: A Mixed Methods Approach to Understanding Structural Inequities and Violence against Women' (2015) 39(1) *Psychology of Women Quarterly* 7-19.
- Gray, Gwendolyn, 'Women, Federalism and Women-Friendly Policies' (2006) 65(1) *Australian Journal of Public Administration* 25-45.
- Gray, Gwendolyn, 'Federalism, Feminism and Multilevel Governance: The Elusive Search for Theory' in Melissa Hausman, Marian Sawyer and Jill Vickers (eds) *Federalism, Feminism and Multi-Level Governance* (Ashgate, 2010) 19-37.
- Griffin, Penny, 'Crisis, Austerity and Gendered Governance: A Feminist Perspective' (2015) 109(1) *Feminist Review* 49-72.
- Hajjar, Lisa, 'Religion, State Power, and Domestic Violence in Muslim Societies: A Framework for Comparative Analysis' (2004) 29(1) *Law and Social Inquiry* 1-38.
- Hallak, Jacques and Muriel Poisson, *Ethics and Corruption in Education* (UNESCO, 2001) <www.iiep.unesco.org/>
- Halley, Janet, 'The Move to Affirmative Consent' (2016) 42(1) *Signs: Journal of Women in Culture and Society* 257-279.

- Hargita, Starla, 'Australia's Parental Leave Pay Scheme: Temporal Disruption and 'Genuine' Attachment to Waged Work' (2017) 7(2)*feminists@ law*
- Hasler, Andrea and Annamaria Lusardi, *The Gender Gap in Financial Literacy: A Global Perspective* (Global Financial Literacy Excellence Centre, 2017).
- Hassan Idayat and Kelechi C. Iwuamadi, *Decentralization, Governance and Corruption at the Local Level: Evidence from Nigeria* (Centre for Democracy and Development, 2018).
- Hassim, Shireen, 'Democratization: A View from Africa'(2006) 31(4) *Signs* 928–932.
- Hayash, Kanna, Huiru Dong, Brandon D. L. Marshall, Michael-John Milloy, Julio S. G. Montaner, Evan Wood, and Thomas Kerr, 'Sex-Based Differences in Rates, Causes, and Predictors of Death among Injection Drug Users in Vancouver, Canada' (2016) 183(6) *American Journal of Epidemiology* 544-552.
- Havnes, Tarjei and Magne Mogstad, 'Money for Nothing? Universal Child Care and Maternal Employment' (2011) 95(11-12)*Journal of Public Economics* 1455-1465.
- Havnes, Tarjei and Magne Mogstad, 'Is Universal Child Care Levelling the Playing Field?' (2015) 127 *Journal of Public Economics* 100-114.
- Heath, Rachel and Seema Jayachandran, *The Causes and Consequences of Increased Female Education and Labor Force Participation in Developing Countries* (National Bureau of Economic Research, 2016).
- Heath, Rachel, 'Women's Access to Labor Market Opportunities, Control of Household Resources, and Domestic Violence: Evidence from Bangladesh' (2014) 57 *World Development* 32-46.
- Heise, Lori and Andreas Kotsadam, 'Cross-national and Multilevel Correlates of Partner Violence: An Analysis of Data from Population-Based Surveys' (2015) 3(6) *The Lancet Global Health* 332-340.
- Henrique, Fabio Pereira and Mariangela Monfardini Biachi, 'Women in the 2010 Brazilian Presidential Elections: Two Weekly Magazines' Discourses on Women Candidates' (2016) 13(4)*Critical Discourse Studies* 411-428.
- Henry, Collette, Barbara Orser, Susan Coleman and Lene Foss, 'Women's Entrepreneurship Policy: A 13-Nation Cross-Country Comparison' *Entrepreneurial Ecosystems and Growth of Women's Entrepreneurship* (Edward Elgar Publishing, 2017).
- Henry, Laura A, 'Complaint-making as Political Participation in Contemporary Russia' (2012) 45(3-4)*Communist and Post-Communist Studies* 243-254.
- Herklotz, Tanja, 'Law, Religion and Gender Equality: Literature on the Indian Personal Law System from a Women's Rights Perspective' (2017) 1(3)*Indian Law Review* 250-268.
- Hersch, Jono, *Sexual Harassment in the Workplace*(IZA World of Labor, 2015).
- Hoda, Anwarul and Durgesh K. Rai. *Labour Regulations in India: Rationalising the Laws Governing Wages*. No. 346. Working Paper (Indian Council for Research on International Economic Relations, 2017).
- Hofmann Annette, Julia K. Neumann and Peter Zweifel, *Camouflage and Ballooning in Health Insurance: Evidence from Abortion* (2016) 1-28.
- Holman, Mirya, 'Women in Local Government: What We Know and Where we Go from Here' (2017) 49(4)*State and Local Government Review* 285-296.
- Holtmaat, Rikki, 'CEDAW: A Holistic Approach to Women's Equality and Freedom' in Anne Hellum and Henriette Sinding-Asen (eds) *Women's Human Rights: CEDAW in International, Regional and National Law* (Cambridge University Press, 2013) 95-123.
- Hooghe, Marc, Laura Jacobs, and Ellen Claes, 'Enduring Gender Bias in Reporting on Political Elite Positions: Media Coverage of Female MPs in Belgian News Broadcasts (2003–2011)' (2015) 20(4)*The International Journal of Press/Politics* 395-414.
- Horbeck, Amy et al, 'The Protection of Women from Domestic Violence Act: Solution or Mere Paper Tiger?' (2007) 4(2) *Loyola University Chicago International Law Review* 273–307.
- Houle, Brian, Samuel J Clark, Kathleen Kahn, Stephen Tollman and Alicia Ely Yamin, 'The Impacts of Maternal Mortality and Cause of Death on Children's Risk of Dying in Rural South Africa: Evidence from a Population Based Surveillance Study (1992-2013)' (2015) 12(1)*Reproductive Health* 1-9.
- Htun Mala and S. Laurel Weldon, 'When Do Governments Promote Women's Rights? A Framework for the Comparative Analysis of Sex Equality Policy' (2010) 8(1) *Perspectives on Politics* 207-216.

- Htun, Mala and S. Laurel Weldon, 'State Power, Religion, and Women's Rights: A Comparative Analysis of Family Law' (2011) 18(1)*Indiana Journal of Global Legal Studies* 145-165.
- Hudson, Valerie, Donna Bowen, and Perpetua Nielson, 'What Is the Relationship between Inequality in Family Law and Violence against Women? Approaching the Issue in Legal Enclaves' (2011) 7(4) *Politics and Gender* 7(4) 453-492.
- Hughes, Christine, Mara Bolis, Rebecca Fries and Stephanie Finigan, 'Women's Economic Inequality and Domestic Violence: Exploring the Links and Empowering Women' (2015) 23(2) *Gender and Development* 279-297.
- Hughes, Melanie, Pamela Paxton, Amanda Clayton and Par Zetterberg, 'Global Gender Quota Adoption, Implementation, and Reform' (2019) 51(2)*Comparative Politics* 219-238.
- Hyshka, Elaine, Jalene Anderson-Baron, Kamagaju Karekezi, Lynne Belle-Isle, Richard Elliott, Bernie Pauly, Carol Strike, Mark Asbridge, Colleen Dell, Keely McBride, Andrew Hathaway and T. Cameron Wild, 'Harm Reduction in Name, But not Substance: A Comparative Analysis of Current Canadian Provincial and Territorial Policy Frameworks' (2017) 14(50) *Harm Reduction Journal* 1-14.
- ILO, *WOMEN AND MEN IN THE INFORMAL ECONOMY: A STATISTICAL PICTURE, THIRD EDITION* (2018).
- Iyer, Lakshmi, Anandi Mani, Prachi Mishra and Petra Topalova, 'The Power of Political Voice: Women's Representation and Crime in India' (2012) 4(4) *American Economic Journal: Applied Economics* 165-193.
- Iyengar, Radha 'Does the Certainty of Arrest Reduce Domestic Violence? Evidence from Mandatory and Recommended Arrest Laws' (2007) 93(1-2) *Journal of Public Economics* 85-98.
- Jacobson, Jodi, 'Women's Health: The Price of Poverty' in Marge Koblinsky, Judith Timyan, and Jill Gay (eds) *The Health of Women* (Routledge, 2018) 3-32.
- Jalal, Imrana, *Harmful Practices Against Women in Pacific Island Countries: Customary and Conventional Laws* (United Nations Division for the Advancement of Women, 2009).
- Johansson, Thomas, 'Fatherhood in Transition: Paternity Leave and Changing Masculinities' (2011) 11(3) *Journal of Family Communication* 165-180.
- Johnson, Susan, 'Family Matters: Justice Gender and Female Litigant Success in Family Law Cases in the Supreme Court of Canada' (2017) 38(4)*Justice System Journal* 332-347.
- Johnson, Janet, Meri Kulmala and Maija Jäppinen, 'Street-level Practice of Russia's Social Policymaking in Saint Petersburg: Federalism, Informal Politics, and Domestic Violence' (2016) 45(2)*Journal of Social Policy* 287-304.
- Johnstone, Marjorie and Daphne Jeyapal, 'Women, Intersectional Oppressions and Social Policy in Canada' in Robert Harding and Daphne Jeyapal (eds) *Canadian Social Policy for Social Workers* (Oxford University Press, 2018) 140-160.
- Joshi, Devinand Kara Kingma, 'The Uneven Representation of Women in Asian Parliaments: Explaining Variation across the Region' (2013) 12(4) *African and Asian Studies* 352-372.
- Joshi, Devin, Meseret F. Hailu and Lauren J. Reising, 'Violators, Virtuous, or Victims? How Global Newspapers Represent the Female Member of Parliament' (2019) *Feminist Media Studies* 1-21.
- Justice Verma, Justice Seth, and Gopal Subramaniam, *Report of the Committee on Amendments to the Criminal Law* (Delhi, January 23 2013).
- Kalokhe, Ameeta, Ratnaprabha R. Potdar, Rob Stephenson, Kristin Dunkle and Seema Sahay, 'How Well Does the World Health Organization Definition of Domestic Violence Work for India?' (2015) 10(3) *PLoS ONE* <<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0120909>>
- Kandiyoti, Deniz, 'Between the Hammer and the Anvil: Post-Conflict Reconstruction, Islam and Women's Rights' (2007) 28(3) *Third World Quarterly* 503-517.
- Kap, Varun and Kanika Dhingra, 'Sexual Harassment against Women in India' (2013) 6(10) *OIDA International Journal of Sustainable Development* 85-92.
- Karlekar, Malavika 'Domestic Violence' (1998) 33(27) *Economic and Political Weekly* 1741-1751.
- Karupiah, Premalatha and Parthiban S. Gopal, 'Intimate Partner Violence and Poverty: Malaysian Indian women in Penang, Malaysia' in *Global Currents in Gender and Feminisms: Canadian and International Perspectives*. (Emerald Publishing Limited, 2017) 225-236.
- Kenny, Meryl and Tània Verge, 'Decentralization, Political Parties, and Women's Representation: Evidence from Spain and Britain' (2012) 43(1) *Publius: The Journal of Federalism* 109-128.
- Kerrigan, Fergus, Anne McKay, Annali Kristiansen, Helene Kyed, Lise Dahl, Paul Dalton, Mie Roesdahl and Nuria Vehils, *Informal Justice Systems* (UNDP, UN Women, UNICEF 2009).

- Khan, Ghazala, Rana Tahir Naveed and Amer Hamzah Bin Jantan, 'Status of Wonder Women: Challenges for Young Future Women Entrepreneurs in Pakistan' (2018) 3(1) *International Journal of Experiential Learning and Case Studies* 97-109.
- Khan, Issa, Faruk Abdullah, Noor Naemah, Abdul Rahman, Mohd Roslan, Bin Mohd Nor, Mohd Yakub, Zulkifli Bin and Mohd Yusoff, 'The Right of Women in Property Sharing in Bangladesh: Can the Islamic Inheritance System Eliminate Discrimination?' (2016) 5(1695) *SpringerPlus* 1-8.
- Khan, Qaiser, Jean-Paul Faguet, and Alemayehu Ambel, *Blending Top-Down Federalism with Bottom-Up Engagement to Reduce Inequality in Ethiopia. World Bank Policy Research Working Paper No. 7511* (World Bank, 2017).
- Khokhar, Amit Singh and Bharat Singh, 'Status of Women Entrepreneurship in India' (2016) 4(5) *Asian Journal of Multidisciplinary Studies* 199-204.
- Khosla, Rajat, Sandra Krause, and Mihoko Tanabe, 'Addressing the Rights of Women in Conflict and Humanitarian Settings' in Pascale Allotey and Daniel Reidpath (eds) *The Health of Refugees: Public Health Perspectives from Crisis to Settlement* (Oxford University Press, 2019) 153-169.
- Kieran, Caitlan, Kathryn Sproule, Cheryl Doss, Agnes Ouisumbing and Sung Mi Kim, 'Examining Gender Inequalities in Land Rights Indicators in Asia' (2015) 46(1) *Agricultural Economics* 119-138.
- Kincaid, John, 'Federalism and Democracy: Comparative Empirical and Theoretical Perspectives' in M. Burgess and A. Gagnon (eds) *Federal Democracies* (Routledge, 2010) 119-141.
- Kinkingninhou-Nmédagbé, Florent, Franklin Simtowe and Afiavi Agboh-Noameshie, 'Gender Discrimination and its Impact on Income, Productivity, and Technical Efficiency: Evidence from Benin' (2010) 27(1) *Agriculture and Human Values* 57-69.
- Kirdar, Murat, Meltem Dayioğlu, and Ismet Koc, *Does Longer Compulsory Education Equalize Schooling by Gender and Rural/Urban Residence?* (The World Bank, 2015).
- Kjaer, Ulrik, 'Patterns of Inter-Level Gender Gaps in Women's Descriptive Representation' (2019) 17(1) *Lex Localis- Journal of Local Self-government* 53-70.
- Klugman, Jeni *Gender Based Violence and the Law* (World Bank, 2017).
- Kolawole, Taiwo and Kayode Yunus Adeigbe, 'Gender Discrimination and the Nigerian Scenario: A Review' (2016) 14(1) *Gender and Behaviour* 7071-7084.
- Kopecký, Petr, Jan-Hinrik Meyer Sahling, Francisco Panizza, Gerardo Scherlis, Christian Schuster and Maria Spirova, 'Party Patronage in Contemporary Democracies: Results from an Expert Survey in 22 Countries from Five Regions' (2016) 55(2) *European Journal of Political Research* 416-431.
- Koppelman, Andrew, *Same Sex, Different States: When Same-Sex Marriages Cross State Lines* (Yale University Press, 2006).
- Koshan, Jennifer, 'The Legal Treatment of Marital Rape and Women's Equality: An Analysis of the Canadian Experience' (Equa2010) *The Equality Effect* 1-81.
- Kottelenberg, Michael, and Steven Lehrer, 'Targeted or Universal Coverage? Assessing Heterogeneity in the Effects of Universal Child Care' (2017) 35(3) *Journal of Labor Economics* 609-653.
- Kottelenberg, Micheal and Steven F. Lehrer, 'New Evidence on the Impacts of Access to and Attending Universal Child-Care in Canada' (2013) 39(2) *Canadian Public Policy* 263-286.
- KPMG and Federation of Indian Chambers of Commerce and Industry, *Labour in Indian Agriculture. A Growing Challenge*, 2015. <<http://ficci.in/spdocument/20550/FICCI-agri-Report%2009-03-2015.pdf>>
- Kulczycki, Andrzej and Sarah Windle, 'Honor Killings in the Middle East and North Africa: A Systematic Review of the Literature' (2011) 17(11) *Violence against Women* 1442-1464.
- Kumar, Rajesh Rai, 'Tracking Women and Children in a Continuum of Reproductive, Maternal, Newborn, and Child Healthcare (RMNCH) in India' (2014) 4(3) *Journal of Epidemiology and Global Health* 239-243.
- Kumari, Renu and Siya Ram Singh, 'Study on the Participation of Women in Panchayati Raj Institutions in Bihar' (2016) 12(2) *Indian Research Journal of Extension Education* 96-100.
- Kumari, Anuradha, Sourabh Dubey and U Gautam, 'What Hinders the Elected Women Village Panchayat Members in their Role Performance?' (2016) 11(1) *Journal of Community Mobilization and Sustainable Development* 61-65.
- Ladam, Christina, Jeffrey J. Harden, and Jason H. Windett, 'Prominent Role Models: High-Profile Female Politicians and the Emergence of Women as Candidates for Public Office' (2018) 62(2) *American Journal of Political Science* 369-381.

- Lahey, Kathleen and Paloma De Villota, 'Economic Crisis, Gender Equality, and Policy Responses in Spain and Canada'(2013)19(3) *Feminist Economics* 82-107.
- Lamichhane, Hem Raj, 'Obstacles to Krishna Raj Panta. Local Public Service Delivery Contribution of Expenditure of Local Bodies' 1(1) *Journal of Fiscal Federalism* 114-148.
- Lang, Sabine,'Gender Governance in Post-unification Germany: Between Institutionalization, Deregulation and Privatization' in Johanna Kantola and Joyce Outshoorn (eds) *Changing State Feminism* (Palgrave-Macmillan, 2007) 124-143.
- Lang, Sabine and Birgit Sauer, 'Does Federalism Impact Gender Architectures? The Case of Women's Policy Agencies in Germany and Austria' (2012) 43(1) *Publius: The Journal of Federalism* 68-89.
- Lausberg, Adele, 'Women and Representation. Cross-Party Collaboration in the Australian Federal Parliament' (2016) 69 *Parliamentary Affairs* 249-265.
- Lavers, Tom, 'Land Registration and Gender Equality in Ethiopia: How State–Society Relations Influence the Enforcement of Institutional Change' (2017) 17(1)*Journal of Agrarian Change* 188-207.
- Lee, Bri, 'Young Lady, That's Inappropriate: How the Legal System Works Against Women'(2017) 56 *Griffith Review* 203-213.
- Leckey, Robert and Carol Rogerson, 'Marriage, Family and Federal Concerns' in Natalie Des Rosiers, Patrick Macklem and Peter Oliver (eds) *The Oxford Handbook of the Canadian Constitution* (Oxford University Press, 2017).
- Lesses, Kos, 'PGA v. the Queen: Marital Rape in Australia: The Role of Repetition, Reputation and Fiction in the Common Law' (2013) 37 *Melbourne University Law Review* 786-833.
- Liebig, Brigitte, Karin Gottschall and Birgit Sauer Gender Equality in Context: Policies and Practices in Switzerland (Verlag Barbara Budrich, 2018).
- Liou, Caroline, *Using Social Media for the Prevention of Violence against Women* (Partners for Prevention, 2013)
- Liu, Shan-Jan Sarah and Lee Ann Banaszak, 'Do Government Positions Held by Women Matter? A Cross-National Examination of Female Ministers' Impacts on Women's Political Participation'(2017) 13(1) *Politics and Gender*132-162.
- Liyanage, Kamala, 'Gender Inclusive Governance: Representation of Women in National and Provincial Political Bodies in Sri Lanka' inNizam Ahmed (ed) *Women in Governing Institutions in South Asia. Parliament, Civil Service and Local Government* (Palgrave Macmillan, 2018) 117-137.
- Lopreite, Debora, 'Explaining Policy Outcomes in Federal Contexts: The Politics of Reproductive Rights in Argentina and Mexico' (2014) 33(4) *Bulletin of Latin American Research* 389-404.
- Loscocco, Katyn and Sharon R. Bird, 'Gendered Paths: Why Women Lag behind Men in Small Business Success' (2012) 39(2)*Work and Occupations* 183-219.
- Luoma, Minna-Lisa, Mira Koivusilta, Gert Lang, Edith Enzenhofer, Liesbeth De Donder, Dominique Verté, Jolanta Reingarde, Ilona Tamutiene, José Ferreira-Alves, Ana Santos and Bridget Penhale, *Prevalence Study of Abuse and Violence against Older Women: Results of a Multi-Cultural Survey Conducted in Austria, Belgium, Finland, Lithuania, and Portugal* (National Institute for Health and Welfare, 2011).
- Mabandla, Brigitte 'Women in South Africa and the Constitution-Making Process'in J. S. Peters and Andrea Wolper (eds) *Women's Rights, Human Rights* (Routledge, 2018).
- MacDonald, Laura and Lisa Nicole Mills, 'Gender, Democracy and Federalism in Mexico: Implications for Reproductive Rights and Social Policy' in Marian Sawyer, Melissa Haussman and Jill Vickers (eds) *Federalism, Feminism and Multilevel Governance* (Ashgate, 2010) 187-199.
- MacRae, Heather, 'Multiple Policy Scales and the Development of Parental Leave Policy in Germany' in Melissa Haussman, Marian Sawyer and Jill Vickers (eds) *Federalism, Feminism and Multi-Level Governance* (Ashgate, 2010)127-141.
- Mahmood, Rosli, and Norshafizah Hanafi, 'Entrepreneurial Orientation and Business Performance of Women-Owned Small and Medium Enterprises in Malaysia: Competitive Advantage as a Mediator' (2013) 4(1)*International Journal of Business and Social Science* 82-90.
- Majhi, Snehalata, 'Empowerment of Tribal Women through Panchayati Raj' (2017) 3(2)*The Researchers' International Research Journal*6-12.

- Makoni, Fungai, Gift Manase and Jerry Ndamba. 'Patterns of Domestic Water Use in Rural Areas of Zimbabwe, Gender Roles and Realities' (2004) *Physics and Chemistry of the Earth, Parts A/B/C* 29 15-18.
- Malsch, Marijke and Wilma Smeenk (eds) *Family Violence and Police Response: Learning from Research, Policy and Practice in European Countries* (Taylor and Francis, 2011).
- Mandal, Saptarshi , 'The Impossibility of Marital Rape: Contestations around Marriage, Sex, Violence and the Law in Contemporary India'(2014) 29(81) *Australian Feminist Studies* 255-272.
- Manji, Ambreena, 'Eliminating Poverty? "Financial Inclusion", Access to Land, and Gender Equality in International Development' (2010) 73(6)*Modern Law Review*985-1004.
- Marcus, Rachael and Ella Page, *Girls' Learning and Empowerment: The Role of School Environments* Policy Brief (United Nations Girls' Education Initiative and Overseas Development Institute, 2016).
- Mastercard Index of Women Entrepreneurs 2019 <<https://newsroom.mastercard.com/wp-content/uploads/2019/11/Mastercard-Index-of-Women-Entrepreneurs-2019.pdf>>
- Matthai, Ravi J, *Mahila Samakhya 2014: A National Review* (Centre for Educational Innovation Indian Institute of Management Ahmedabad, 2014).
- McCann, Joy, *Electoral Quotas for Women: An International Overview* (Parliamentary Library Research Paper, Parliament of Australia, 2013).
- McCarthy, Florence and Monawar Sultana, *Gender and Governance Issues in Local Government* (Asian Development Bank, 2004).
- McCollum, Rosalind, Ralalicia Limato, Lilian Otiso, Sally Theobald and Miriam Taegtmeier, 'Health System Governance Following Devolution: Comparing Experiences of Decentralisation in Kenya and Indonesia' (2018) 3 *BMJ Global Health* 1-11.
- McDonald, Judith and Robert Thornton, "'Coercive Cooperation"? Ontario's Pay Equity Act of 1988 and the Gender Pay Gap' (2015) 33(4)*Contemporary Economic Policy* 606-618.
- McDonald, Judith and Robert Thornton, 'Have Pay Equity Laws in Canada Helped Women? A Synthetic-Control Approach' (2016) 46(4) *American Review of Canadian Studies*452-473.
- McDonald, Paula, Sara Charlesworth and Tina Graham, 'Developing a Framework of Effective Prevention and Response Strategies in Workplace Sexual Harassment' (2015) 53(1) *Asia Pacific Journal of Human Resources*41-58.
- McDonald, Paula, 'Workplace Sexual Harassment 30 Years On: A Review of the Literature' (2012)*International Journal of Management Reviews* 1-17.
- McLaughlin, Heather, Christopher Uggen and Amy Blackstone, 'The Economic and Career Effects of Sexual Harassment on Working Women' (2017) 31(3)*Gender and Society*333-358.
- Messner Micheal, Max A. Greenberg, and Tal Peretz, *Some Men: Feminist Allies in the Movement to End Violence against Women* (Oxford University Press, 2015).
- Meetoo, Veena and Heidi Safia Mirza, 'There is Nothing 'Honourable'about Honour Killings: Gender, Violence and the Limits of Multiculturalism' in Mohammad Mazher Idriss and Tahir Abbas (eds) *Honour, Violence, Women and Islam* (Routledge-Cavendish, 2010) 50-74.
- Meier, Kenneth and Kendall D. Funk, 'Women and Public Administration in a Comparative Perspective: The Case of Representation in Brazilian Local Governments' (2017) 49(1)*Administration and Society*121-142.
- Menon, Nivedita 'A Uniform Civil Code in India: The State of the Debate in 2014' (2014) 40(2) *Feminist Studies* 480-486.
- Merry, Sally Engle, 'Transnational Human Rights and Local Activism: Mapping the Middle' (2006) 108(1) *American Anthropologist* 38-51.
- Michel, Sonya and Rianne Mahon, *Child Care Policy at the Crossroads: Gender and Welfare State Restructuring* (Routledge, 2013).
- Miguel, Luis and Fernanda Feitosa, 'The Genre of Parliamentary Discourse: Women and Men in the Chamber of Deputies' (2009) 52(1)*Data-Journal of Social Sciences* 201-221.
- Mihyo, Paschal and Truphena E. Mukuna (eds)*The Gender-Energy Nexus in Eastern and Southern Africa* (OSSREA, 2016).
- Miller, Amalia R. and Carmit Segal Miller, 'Do Female Officers Improve Law Enforcement Quality? Effects on Crime Reporting and Domestic Violence Escalation' (2018) *REVIEW OF ECONOMIC* 2220-2247.
- Minoletti, Paul, *Women's Participation in the Subnational Governance of Myanmar* (Asia Foundation 2014).

- Mir-Hosseini, Ziba, 'Justice and Equality and Muslim Family Laws: New Ideas, New Prospects' in Abbas Poya (ed) *Sharia and Justice: An Ethical, Legal, Political, and Cross-Cultural Approach*(De Gruyter, 2018) 73-105.
- Misner-Pollard, Christina, 'Domestic Violence in Russia: Is Current Law Meeting the Needs of Victims and the Obligations of Human Rights Instruments' (2009) 3*Columbia Journal of European Law* 145 -188.
- Misra, Ashutosh and Simon Bronitt, 'Reforming Sexual Offences in India: Lessons in Human Rights and Comparative Law' (2014) 2(1)*Griffith Asia Quarterly*37-56.
- Modi, Dhiren, Ravi Gopalan, Shobha Shah, Sethuraman Venkatraman, Gayatri Desai, Shrey Desai, and Pankaj Shah, 'Development and Formative Evaluation of an Innovative Health Intervention for Improving Coverage of Community-Based Maternal, Newborn and Child Health Services in Rural Areas of India' (2015) 8(1) *Global Health Action*1-14.
- Moucheraud, Corrina, Alemayehu Worku, Mitike Molla, Jocelyn E Finlay, Jennifer Leaning and Alicia Ely Yamin, 'Consequences of Maternal Mortality on Infant and Child Survival: A 25-Year Longitudinal Analysis in Butajira Ethiopia (1987-2011)' (2015) 12(1)*Reproductive Health* 1-8.
- Moustafa, Tamir, 'Judging in God's Name: State Power, Secularism, and the Politics of Islamic Law in Malaysia'(2013) 3(1) *Oxford Journal of Law and Religion* 152-167.
- Muehlenhard, Charlene L, Mary F. Goggins, Jayme M. Jones, Arthur T. Satterfield in 'Sexual Violence and Coercion in Close Relationships' in Kathleen McKinne and, Susan Sprecher (eds) *Sexuality in Close Relationships* (Psychology Press, 2014) 171-192.
- Mueller, Ulrike, 'Lost in Representation? Feminist Identity Economics and Women's Agency in India's Local Governments' (2016) 22(1)*Feminist Economics* 158-182.
- Muteshi, Jacinta K, Suellen Miller and José M. Belizán, 'The Ongoing Violence against Women: Female Genital Mutilation/Cutting' (2016) 13(44)*Reproductive Health* 1- 4.
- Nagaraj, Vasudha, 'Local and Customary Forums: Adapting and Innovating Rules of Formal Law' (2010) 17(3)*Indian Journal of Gender Studies*429-450.
- Nasrullah, Muazzam, Rubeena Zakar, Muhammad Zakria Zakar and Alexander Krämer, 'Girl-Child Marriage and its Association with Morbidity and Mortality of Children under 5 Years of Age in a Nationally-Representative Sample of Pakistan' (2014) 164(3)*The Journal of Pediatrics*639-646.
- Natarajan, Mangai, *Women Police in a Changing Society* (Ashgate, 2008).
- Ndulo, Muna, 'African Customary Law, Customs, and Women's Rights' (2011) 18(1)*Indiana Journal of Global Legal Studies* 87-120.
- Nehaluddin, Ahmad, 'A Critical Appraisal of 'Triple Divorce' in Islamic Law' (2009) 23(1) *International Journal of Law, Policy and the Family* 53-61.
- Nikaido, Yuko, Jesim Pais and Mandira Sarma, 'What Hinders and What Enhances Small Enterprises' Access to Formal Credit in India?' (2015) 5(1)*Review of Development Finance*43-52.
- Njoh, Ambe Erick O. Ananga, Ijang B. Ngyah-Etchutambe, Lucy E. Deba, and Fenda A. Akiwumi, 'Electricity Supply, and Access to Water and Improved Sanitation as Determinants of Gender-Based Inequality in Educational Attainment in Africa' (2018) 135(2)*Social Indicators Research*533-548.
- Norris, Pippa, *Gender Equality in Elected Office in Asia Pacific: Six Actions to Expand Women's Empowerment* (UN Women 2012).
- Obiora, Amede and Sarah Toomey, 'Federalism and Gender Politics in Nigeria' in Melissa Haussman, Marion Sawyer and Jill Vickers (eds) *Federalism, Feminism and Multilevel Governance* (Ashgate, 2010) 211-225.
- O'Brien, Diana and Johanna Rickne, 'Gender Quotas and Women's Political Leadership' (2016) 110(1) *American Political Science Review* 112-126.
- O'Cadmus, Eniola and Eme T. Owoaje, 'Prevalence and Correlates of Elder Abuse Among Older Women in Rural and Urban Communities in South Western Nigeria' (2012) 33(1) *Health Care for Women International* 973-984.
- Odinkalu, Chidi Anselm, 'Poor Justice or Justice for the Poor? A Policy Framework for Reform of Customary and Informal Justice Systems in Africa' (2006) 2*The World Bank Legal Review* 141-167.
- Okojie, Christine, *Decentralisation and Public Service Delivery in Nigeria* (Department of Economics and Statistics, University of Benin 2009).
- Okpara, John, Chinedum Nwajiuba, Nicholas Harkiolakis, Sylva M. Caracatsanis, 'Challenges Facing Women Entrepreneurs in Nigeria'(2011) 34(2) *Management Research Review* 221-235.

- Olufunmilayo, Fawole and Ikeola A. Adeoye, 'Women's Status within the Household as a Determinant of Maternal Health Care Use in Nigeria' (2015) 15(1) *African Health Sciences* 217-225.
- Onah, Michael Nnachebe and Susan Horton, 'Male-Female Differences in Households' Resource Allocation and Decision to Seek Healthcare in South-Eastern Nigeria: Results From a Mixed Methods Study' (2018) 204 *Social Science and Medicine* 84-91.
- Onyemelukwe, Celuchi, 'Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act 2015' (2016) 5 *De Paul Journal of Women, Gender and the Law* 1-57.
- Oram, Sian, Hind Khalifeh and Louise Howard, 'Violence against Women and Mental Health' (2017) 4(2) *The Lancet Psychiatry* 159-170.
- Organisation for Economic Co-operation and Development, *Closing the Gender Gap: Act Now* (OECD, 2012).
- Østby, Gudrun Henrik Urdal, and Ida Rudolfson. 'What is Driving Gender Equality in Secondary Education? Evidence from 57 Developing Countries, 1970–2010' (2016) *Education Research International* 1- 18.
- Osborn, Tracy, *How Women Represent Women: Political Parties, Gender and Representation in the State Legislatures* (Oxford University Press, 2012).
- Palley, Howard, Marie-Pascale Pomey and Pierre-Gerlier Forest, 'Examining Private and Public Provision in Canada's Provincial Health Care Systems: Comparing Ontario and Quebec' (2011) 32 *International Political Science Review* 79-94.
- Palmieri, Sonia, *Gender Sensitive Parliaments. A Global Review of Good Practice* (Interparliamentary Union, 2011).
- Parpart, Jane and Sharon Stichter (eds), *Women, Employment and the Family in the International Division of Labour* (Springer, 2016).
- Patnaik, Pratyusna, 'Politics is not Just a Man's Game: Women in Democratic Local Governance of Odisha' (2014) 44(1) *Social Change* 131-153.
- Patterson, Thomas E *Social Media. Advancing Women in Parliaments* (Women in Parliament Global Forum, 2016).
- Paxton, Pamela and Melanie M. Hughes. 'The Increasing Effectiveness of National Gender Quotas, 1990–2010' (2015) 40(3) *Legislative Studies Quarterly* 331-362.
- Paxton, Pamela and Melanie M. Hughes, *Women, Politics, and Power: A Global Perspective* (CQ Press, 2015).
- Pay Equity Commission, *A Guide to Interpreting Ontario's Pay Equity Act* (2019).
- Perlman, Daniel, Fatima Adamu and Quentin Wodon, 'Why do Adolescent Girls Drop out of School in Niger? A Combined Quantitative and Qualitative Analysis' (2018) 2 *Marche et Organisations* 179-194.
- Pellissery, Sony and Sumit Kumar Jalan, 'Towards Transformative Social Protection: A Gendered Analysis of the Employment Guarantee Act of India (MGNREGA)' (2011) 19(2) *Gender and Development* 283-294.
- Peterson Kerry, 'Abortion Laws: Criminalization and Decriminalization' in Ian Freckleton (ed) *Tensions and Trauma in Health Law* (Federation Press, 2017) 657-670.
- Pillai, Vijayan and Guang-Shen Wang, *Women's Reproductive Rights in Developing Countries* (Routledge, 2018).
- Pinder, Kamina Aliya 'Federal Demand and Local Choice: Safeguarding the Notion of Federalism in Education Law and Policy' (2010) 39 *Journal of Law and Education* 1-36.
- Pires, Ana Flávia, Lucas d'Oliveira, Simone Grilo Diniz and Lilia Blima Schraiber, 'Violence against Women in Health-Care Institutions: An Emerging Problem' (2002) 359 *The Lancet* 1681–1685.
- Poell, Thomas and Sudha Rajagopalan. 'Connecting Activists and Journalists: Twitter Communication in the Aftermath of the 2012 Delhi Rape' (2015) 16(5) *Journalism Studies* 719-733.
- Prasad, Shiba Rijal, 'Female Ownership of Fixed Assets in Nepal: A Regional Perspective' (2017) 17 *The Third Pole: Journal of Geography Education* 73-82.
- Prenzler, Tim and Georgina Sinclair, 'The Status of Women Police Officers: An International Review' (2013) 41(2) *International Journal of Law, Crime and Justice* 115–131.
- Putt, Judy, Theresa Phillips, Davida Thomas and Lindy Kanan, 'Family Protection Orders: A Key Response to Domestic and Family Violence. A Pilot Study in Lae, Papua New Guinea' (Department of Pacific Affairs, 2019).
- Quarmyne, Maakor, 'Witchcraft: A Human Rights Conflict between Customary/Traditional Laws and the Legal Protection of Women in Contemporary Sub-Saharan Africa' (2010) 17 *William and Mary Journal of Women and the Law* 475 -507.
- Quick, James and M. McFadyen, 'Sexual Harassment: Have We Made any Progress?' (2017) 22(3) *Journal of Occupational Health Psychology* 286-298.

- Rafferty, Yvonne, 'International Dimensions of Discrimination and Violence against Girls: A Human Rights Perspective' (2013) 14(1) *Journal of International Women's Studies* 1-23.
- Ram, Daya, Monika Singh, K. P. Chaudhary and L. Jayarani, 'Entrepreneurship Behaviour of Women Entrepreneurs in Imphal of Manipur' (2016) 13 (2) *Indian Research Journal of Extension Education* 31-35.
- Rashid, Ahmed, 'Digital Inclusion and Social Inequality: Gender Differences in ICT Access and Use in Five Developing Countries' (2016) 20(3) *Gender, Technology and Development* 306-332.
- Regmi, Krishna, Jennie Naidoo, Alan Greer and Paul Pilkington, 'Understanding the Effect of Decentralization of Health Services' (2010) 24(4) *Journal of Health Organization and Management* 361-382.
- Rehel, Erin, 'When Dad Stays Home Too: Paternity Leave, Gender, and Parenting' (2014) 28(1) *Gender and Society* 110-132.
- Rehman, Sumaira and Muhammad Azam Roomi, 'Gender and Work-life Balance: A Phenomenological Study of Women Entrepreneurs in Pakistan' (2012) 19(2) *Journal of Small Business and Enterprise Development* 209-228.
- Rehman, Tohida, 'The Role of ICT in Gender Equality and Empowerment of Women in India' (2017) 3(8) *IJSRST* 562-565.
- Renzetti, Claire M, Jeffrey L Edleson and Raquel Kennedy Bergen (eds), *Companion Reader on Violence Against Women* (Sage, 2011).
- Rezende, Fernando, 'Fiscal Decentralization and Big Cities Financing in Brazil' (IPEA, 2015).
- Rijkers, Bob and Rita Costa, *Gender and Rural Non-Farm Entrepreneurship* (The World Bank, 2012).
- Robinson, Kathryn, 'Sawerigading vs Sharia: Identities and Political Contestation in Decentralised Indonesia' (2011) 39 *Asian Journal of Social Science* 219-237.
- Robinson, Mark 'Does Decentralisation Improve Equity and Efficiency in Public Service Delivery Provision?' (2007) 38(1) *IDS Bulletin* 7-17.
- Rodden, Jonathan and Erik Wibbels, 'Fiscal Decentralization and the Business Cycle: An Empirical Study of Seven Federations' (2010) 22(1) *Economics and Politics* 37-67.
- Rodríguez, Juan and Astrid Barrio. 'Political Parties in Multilevel Spain: Organization, Influence and Strategies' in Guy Lachpelle and Pablo Onate (eds) *Borders and Margins: Federalism, Devolution and Multi-Level Governance* (Barbara Budrich Publishers, 2018) 209 -227.
- Rogerson, Carol 'Child Support, Spousal Support and the Turn to Guidelines' in *Routledge Handbook of Family Law and Policy* (Routledge, 2014) 153-163.
- Rosen, Jennifer, 'Gender Quotas for Women in National Politics: A Comparative Analysis across Development Thresholds' (2017) 66 *Social Science Research* 82-101.
- Ross, Susan, 'Polygyny as a Violation of Women's Right to Equality in Marriage: An Historical, Comparative and International Overview' (2002) 24 *Delhi Law Review* 375-384.
- Ruibal, Alba, 'Federalism and Subnational Legal Mobilization: Feminist Litigation Strategies in Salta, Argentina' (2018) 52(4) *Law & Society Review* 928-959.
- Ruhm, Christopher J, *A National Paid Parental Leave Policy for the United States* (The Hamilton Project, 2017).
- Russo, Nancy, *Violence against Women: A Global Health Issue* (Routledge, 2019).
- Sabri, Bushra, Shrutika Sabarwal, Michele R. Decker, Abina Shrestha, Kunda Sharma, Lily Thapa, and Pamela J. Surkan, 'Violence against Widows in Nepal: Experiences, Coping Behaviors, and Barriers in Seeking Help' (2016) 31(9) *Journal of Interpersonal Violence* 1744-1766.
- Sadruddin, Munir Moosa, *Sexual Harassment at Workplace in Pakistan - Issues and Remedies about the Global Issue at Managerial Sector* (January 9, 2013).
- Sagade, Jaya, *Child Marriage in India: Socio-Legal and Human Rights Dimensions* (Oxford University Press, 2005).
- Sahni, Mohit, Neeraj Verma, D. Narula, Raji Mathew Varghese, V. Sreenivas, and Jacob M. Puliye, 'Missing Girls in India: Infanticide, Feticide and Made-to Order Pregnancies? Insights from Hospital-Based Sex Ratio-at-Birth over the Last Century' (2008) 3(5) *Plos One* 1-6.
- Salomon Alcocer Guajardo, 'Women in Policing: A Longitudinal Assessment of Female Officers in Supervisory Positions in the New York City Police Department' (2016) 26(1) *Women and Criminal Justice* 20-36.
- Samarakoon, Shanika and Rasyad A. Parinduri, 'Does Education Empower Women? Evidence from Indonesia' (2015) 66 *World Development* 428-442.

- Samuels, Fiona, Anita Ghimire and Matthew Maclure, 'Continuity and Slow Change. How Embedded Programmes Improve the Lives of Adolescent Girls' in Caroline Harper, Nicola Jones, Anita Ghimire, Rachel Marcus and Grace Kyomuhendo Bantebya (eds) *Empowering Adolescent Girls in Developing Countries. Gender Justice and Norm Change* (Routledge, 2018) 177-190.
- Sanders-McDonagh, Erin, Lucy Neville and Sevasti-Melissa Nolas, 'From Pillar to Post: Understanding the Victimization of Women and Children who Experience Domestic Violence in an Age of Austerity' (2016) 112(1)*Feminist Review* 60-76.
- Sangwan, Dakshita and Amit Thakre, 'Sexual Harassment at the Workplace in Public and Private Sectors in India: A Study at National Capital Region of Delhi' (2018) 13(1)*International Journal of Criminal Justice Sciences* 29-42.
- Santos, Cecilia MacDowell, *Women's Police Stations: Gender, Violence, and Justice in São Paulo, Brazil* (Springer, 2005).
- Sapleton, Natalie, 'Gender Congruency Theory, Experience of Discrimination and Access to Finance' in Kate Lewis, Colette Henry, Elizabeth Gatewood and John Watson (eds), *Women's Entrepreneurship in the 21st Century: An International Multi-Level Research Analysis* (Edward Elgar Cheltenham, 2014) 50-73.
- Sawyer, Marian, Melissa Haussman and Jill Vickers (eds), 'Conclusion' *Federalism, Feminism and Multilevel Governance* (Ashgate, 2012) 229-238.
- Sawyer, Marian and Jill Vickers, 'Introduction: Political Architecture and its Gender Impact' in Melissa Haussman, Marian Sawyer and Jill Vickers (eds) *Federalism, Feminism and Multilevel Governance* (Ashgate, 2010) 3-19.
- Saxena, Rekha, *Gendering Federalism in India* (Forum of Federations, Paper 21, 2017).
- Schleimer, Simon Moses, 'Education and Gender Equality: A Case Study of Muslim Female Students in Malaysia' (2016). <http://eprints.usm.my/31344/1/Simon_Moses_Schleimer.pdf>
- Scott, Kerry, Asha George, Steven Harvey, Shinjini Mondal, Gupteswar Patel and Kabir Sheikh, 'Negotiating Power Relations, Gender Equality, and Collective Agency: Are Village Health Committees Transformative Social Spaces in Northern India?' (2017) 16(1) *International Journal for Equity in Health* 84-94.
- Scribner, Drusilla and Priscilla Lambert, 'Constitutionalizing Difference: A Case Study Analysis of Gender Provisions in Botswana and South Africa' (2010) 6(1) *Politics and Gender* 37-61.
- Sekabira, Haruna and Matin Qaim, 'Can Mobile Phones Improve Gender Equality and Nutrition? Panel Data Evidence from Farm Households in Uganda' (2017) 73 *Food Policy* 95-103.
- Semahegn, Agumasie and Bezatu Mengistie, 'Domestic Violence Against Women and Associated Factors in Ethiopia: Systematic Review' (2015) 12(78) *Reproductive Health* 1-12.
- Serfontein, Erika and Elda De Waal, 'The Corruption Bogey in South Africa: Is Public Education Safe?' (2015) 35(1) *South African Journal of Education* 1-12.
- Shah, Hina *Creating an Enabling Environment for Women's Entrepreneurship in India* Development Papers 1304 (2013).
- SHAH, IQTIDAR ALI, Arshad Aziz and M. Shakil Ahmad, 'Women Councilors for Women's Empowerment in Pakistan' (2015) 16(3) *Journal of International Women's Studies* 203-219.
- Shavaleyeva, Chulpan Mansurovna, Elena Nikolaevna Nikonova, and Ramil Shavkatovich Timerkhanov, 'Social Protection of Maternity in Europe' (2017) 1(1) *Revista QUID* 1595-1602.
- Shaw, Dorothy and Wendy V. Norman, 'When there are No Abortion Laws: A Case Study of Canada' (2020) 62 *Best Practice and Research Clinical Obstetrics and Gynaecology* 49-62.
- Shehada, Nahda 'Uncodified Justice: Women Negotiating Family Law and Customary Practice in Palestine' (2004) 47(1) *Development* 103-108.
- Shvedova, Nadezhda, 'Obstacles to Women's Participation in Parliament' in Julie Ballington and A Karam (eds.) *Women in Parliament: Beyond Numbers* (International Institute for Democracy and Electoral Assistance, 2005).
- Singh, Nandita, Prosun Bhattacharya, Gunnar Jacks and Jan-Erik Gustafsson, 'Women and Modern Domestic Water Supply Systems: Need for a Holistic Perspective' (2004) 18(3) *Water Resources Management* 237-248.
- Slack Enid, Zachery Spicer and Makram Montacer, *Decentralization and Gender Equity Occasional Paper Series Number 14* (Forum of Federations, 2014).
- Smart, Carol, *The Ties That Bind (Routledge Revivals): Law, Marriage and the Reproduction of Patriarchal Relations* (Routledge, 2013).
- Smulovitz, Catalina 'Legal Inequality and Federalism. Domestic Violence Laws in the Argentina Provinces' (2015) 57(3) *Latin American Politics* 1-26.

- Solanki, Gopika *Adjudication in Religious Family Laws: Cultural Accommodation, Legal Pluralism, and Gender Equality in India* (Cambridge University Press, 2011).
- Solanki, Gopika, 'A Fine Balance? Multilevel Governance and Women's Organising in India' in Melissa Haussman, Marian Sawyer and Jill Vickers (eds) *Federalism, Feminism and Multi-Level Governance* (Ashgate, 2010).
- Sorsa, Piritta, *Raising the Economic Participation of Women in India: A New Growth Engine?* OECD Economics Department Working Paper No. 1185 (OECD Publishing, 2015).
- Sperling, Gene and Rebecca Winthrop, *What Works in Girls' Education: Evidence for the World's Best Investment*. (Brookings Institution Press, 2015).
- Srinivasan, Sharada, *Daughter Deficit. Sex Selection in Tamil Nadu* (Women Unlimited, New Delhi, 2012).
- Stark, Barbara, 'The Women's Convention, Reproductive Rights, and the Reproduction of Gender' (2011) 18(2) *Duke Journal of Gender Law and Policy* 261-304.
- Steiner, Reto, Claire Kaiser, Carmen Navarro and Chris Tapscott, 'Is Local always Better? Strengths and Limitations of Local Governance for Service Delivery' (2018) 31(4) *International Journal of Public Sector Management* 394-409.
- Stensöta, Helena, Lena Wängnerud, and Richard Svensson, 'Gender and Corruption: The Mediating Power of Institutional Logics' (2015) 28(4) *Governance* 475-496.
- Straus, Murray A, Richard J. Gelles and Suzanne K. Steinmetz, *Behind Closed Doors: Violence in the American Family* (Routledge, 2017).
- Suberu, Rotimi 'Religion and Institutions: Federalism and the Management of Conflicts Over Sharia in Nigeria' (2009) 21 *Journal of International Development* 547-560.
- Sundström, Aksel and Daniel Stockemer, 'What Determines Women's Political Representation at the Local Level? A Fine-Grained Analysis of the European Regions' (2015) 56(3) *International Journal of Comparative Sociology* 254-274.
- Sundström, Aksel and Lena Wängnerud, 'Corruption as an Obstacle to Women's Political Representation: Evidence from Local Councils in 18 European Countries' (2016) 22(3) *Party Politics* 354-369.
- Swain, Shurlee and Danielle Thornton, 'Fault, Gender Politics and Family Law Reform' (2011) 57(2) *Australian Journal of Politics and History* 207-220.
- Swhwindt, Leslie, Michael Malecki and Brian Crisp, 'Candidate Gender and Electoral Success in Single Transferable Vote Systems' (2010) 40(3) *British Journal of Political Science* 693-709.
- Taylor, Caroline and Caroline Norma, 'The Ties that Bind: Family Barriers for Adult Women seeking to Report Childhood Sexual Assault in Australia' (2013) 37 *Women's Studies International Forum* 114-124.
- Telford, Nicole, 'Can Canadian Women Have it All? How Limited Access to Affordable Child Care Restricts Freedom and Choice' (2016) 8(1) *Canadian Journal of Family and Youth* 153-172.
- Terjesen, Siri and Ruth Sealy, 'Board Gender Quotas: Exploring Ethical Tensions from a Multi-Theoretical Perspective' (2016) 26(1) *Business Ethics Quarterly* 23-65.
- Terjesen, Siri, Ruth Aguilera and Ruth Lorenz, 'Legislating a Woman's Seat on the Board: Institutional Factors Driving Gender Quotas for Boards of Directors' (2015) 128 *Journal of Business Ethics* 233-251.
- Thames, Frank, 'Understanding the Impact of Electoral Systems on Women's Representation' (2017) 13(3) *Politics and Gender* 379-404.
- Thi, Tran Thi Minh 'Women's Political Participation in Vietnam from Institutional, Gender and Cultural Perspectives' (2018) 4 *Вьетнамские исследования* 19-27.
- Thynell, Marie, 'The Quest for Gender-Sensitive and Inclusive Transport Policies in Growing Asian Cities' (2016) 4(3) *Social Inclusion* 72-82.
- Transparency International, *Corruption and Gender in Service Delivery: The Unequal Impacts* TI Working Paper 02/2010 (Transparency International, 2010).
- Tsegaye, Regassa, 'Sub-National Constitutions in Ethiopia: Towards Entrenching Constitutionalism at State Level' (2009) 3 (1) *Mizan Law Review* 33- 69.
- Uhlmann, Bjorn 'Switzerland: Subnational Authority and Decentralized Health Care' in Gregory Marchildon and Thomas J. Bossert (eds) *Federalism and Decentralization in Health Care: A Decision Space Approach* (University of Toronto Press, 2018) 16-43.
- UNESCO, *Education for All Global Monitoring Report. Teaching and Learning: Achieving Quality for All* (2013-2014).
- UNESCO, *Education for All Global Monitoring Report. Teaching and Learning: Achieving Quality for All* (2015a).

- UNFPA, *State of World Population: Adolescents, Youth and the Transformation of the Future* (2014)
- UNICEF, *A Familiar Face: Violence in the Lives of Children and Adolescents* (2017) <<https://data.unicef.org/resources/a-familiar-face/>>
- UN Division for the Advancement of Women United Nations Economic Commission for Africa, *Background Paper for Expert Group Meeting on Good Practices in Legislation to Address Harmful Practices against Women* (2009) <[https://www.un.org/womenwatch/daw/egm/vaw_legislation_2009/Background%20paper%20EGM%20\(10.06.0\)%20FINAL.pdf](https://www.un.org/womenwatch/daw/egm/vaw_legislation_2009/Background%20paper%20EGM%20(10.06.0)%20FINAL.pdf)>
- UN Joint Global Programme on Essential Services for Women and Girls Subject to Violence, *Essential Services Package for Women and Girls Subject to Violence Core Elements and Quality Guidelines* (2015).
- UNODC, *Global Study on Homicide. Gender-Relating Killing of Women and Girls* (2018).
- UN Women, Facts and Figures. Ending Violence Against Women <<http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>>
- UN Women, UNDP, *Informal Justice Systems. Charting a Course for Human Rights Based Interventions* 1-28. <https://www.unicef.org/protection/files/INFORMAL_JUSTICE_SYSTEMS_SUMMARY.pdf>
- UN Women, *Realizing Women's Right to Land and Other Productive Resources* (2013).
- UN Women, *Progress of the Worlds Women: In Pursuit of Justice* (UN Women, 2011/2012).
- UN Women, *Handbook for National Action Plans on Violence Against Women* (2012) <<http://www.unwomen.org//media/headquarters/attachments/sections/library/publications/2012/7/handbooknationalactionplansonvawen%20pdf.pdf?la=en&vs=1502>>.
- UN Women, *ASEAN Regional Guidelines on Violence against Women and Girls Data Collection and Use* (2018) <<http://www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2018/04/asean-vawg-data-guidelines.pdf?la=en&vs=5541>>
- Uraguchi, Zenebe, 'Food Price Hikes, Food Security, and Gender Equality: Assessing the Roles and Vulnerability of Women in Households of Bangladesh and Ethiopia' (2010) 18(3)*Gender and Development* 491-501.
- Ur Rahim, Faiz, 'Fiscal Decentralization and Citizen's Satisfaction from Local Public Service Delivery in Pakistan' (2018) 34(1)*International Journal of Ethics and Systems*122-142.
- Usta, Jinan, Jo Ann M. Farver and Lama Zein, 'Women, War, and Violence: Surviving the Experience' (2008) 17(5) *Journal of Women's Health*793-804.
- Valera, Harold, Takashi Yamaro, Ranjitha Puskur, Prakashan, Ishika Gupta, Pheobe Ricarte and Rohini Mohan, *Women's Land Title Ownership and Empowerment. Evidence from India* (Asian Development Bank, 2018).
- Varma, Deepthi, Prabha S Chandra and Tinku Thomas, 'Intimate Partner Violence and Sexual Coercion among Pregnant Women in India: Relationship with Depression and Post-Traumatic Stress Disorder' (2007) 102(1-3) *Journal of Affective Disorders* 227-235.
- Vatuk, Sylvia, 'The "Women's Court" in India: An Alternative Dispute Resolution Body for Women in Distress' (2013) 45(1)*The Journal of Legal Pluralism and Unofficial Law* 76-103.
- Venkatesh, Viswanath, Jason Shaw, Tracy Ann Sykes, Samuel Fosso Wamba and Mary Macharia, 'Networks, Technology and Entrepreneurship. A Field Quasi-Experiment among Women in Rural India' (2017) 60(5) *Academy of Management Journal* 1709-1741.
- Verma, Bhavna and Amit Chandra, 'Sexual Harassment at Workplace: How Far Have We Travelled' (2015) 8(2) *Gyanodaya*45-52.
- Vickers, Jill, 'Is Federalism Gendered? Incorporating Gender into Studies of Federalism' (2013) 43(1) *Publius. The Journal of Federalism* 1-23.
- Vickers, Jill, 'Incorporating Gender into Studies of Federalism' (2013) 43(1) *Publius* 1-23.
- Vickers, Jill, 'Gendering Territorial Politics' in Klaus Detterbeck and Eve Hepburn (eds) *Handbook of Territorial Politics*(Elgar Publishing, 2018) 74-89.
- Vickers, Jill, 'Gendering Federalism: Institutions of Decentralization and Power Sharing' in Mona Krook and Fiona Mackay (eds) *Gender Politics and Institutions. Towards a Feminist Institutionalism* (Palgrave, 2011)129-146.
- Vickers, Jill, 'A Two-Way Street: Federalism and Women's Politics in Canada and the United States' (2010) 40(3) *Publius* 412-435.

- Vickery, Michelle and Edwin Van Teijlingen, 'Female Infanticide in India and its Relevance to Nepal' (2017) 3(1)*Journal of Manmohan Memorial Institute of Health Sciences* 79-85.
- Vij, Nidhi, 'Empowering the Marginalized: Mahatma Gandhi National Rural Employment Guarantee Act in India' (2013) 23(1)*Human Affairs* 91-104.
- Vladimirova, Katia and David Le Blanc, 'Exploring Links between Education and Sustainable Development Goals through the Lens of UN Flagship Reports' (2016) 24(4)*Sustainable Development* 254-271.
- Wado, Yohannes Dibaba 'Women's Autonomy and Reproductive Health-Care-Seeking Behavior in Ethiopia' (2018) 58(7)*Women and Health*729-743.
- Wegren, Stephen, Alexander Nikulin, Irina Trotsuk, Svetlana Golovina,'Gender Inequality in Russia's Rural Informal Economy' (2017) 50(2)*Communist and Post-Communist Studies* 87-98.
- White Linda A., 'Federalism and Equality Rights Implementation in Canada' (2013) 44(1) *Publius. The Journal of Federalism* 157-182.
- WHO, *Safe Abortion: Technical and Policy Guidance for Health Systems* (WHO, 2003).
- WHO, *RESPECT Women: Preventing Violence against Women* (2019).
<<https://www.who.int/reproductivehealth/publications/preventing-vaw-framework-policy-makers/en/>>
- WHO, *Success Factors for Women's and Children's Health: Rwanda* (2015)
<https://apps.who.int/iris/bitstream/handle/10665/178638/9789241509084_eng.pdf>
- Williams, Susan 'Federalism and Gender Equality' (2018) 46(4)*Federal Law Review*491-519.
- Witter,Sophie, Veloshnee Govender, Sundari Ravindranand Robert Yates, 'Minding the Gaps: Health Financing, Universal Health Coverage and Gender' (2017) 32(5)*Health Policy and Planning*4-12.
- Wojcik, Stefan and Shawna Mullenax, 'Men Idle, Women Network: How Networks help Female Legislators Succeed' (2017) 42(4)*Legislative Studies Quarterly* 579-610.
- Women's International League for Peace and Freedom, Women, Peace and Security, *Joint Shadow Report to the CEDAW Committee*, 2017. < https://www.wilpf.org/wp-content/uploads/2017/06/Nigeria_CEDAW_FINAL_June_2017.pdf>
- Women on Waves, *Abortion Laws Worldwide* <<http://www.womenonwaves.org/set-158-en.html>>.
- World Bank Group, *Gender Overview* <<https://www.worldbank.org/en/topic/gender/overview>>
- World Bank, *Global Monitoring Report: Ending Poverty and Sharing Prosperity* (World Bank International Monetary Fund, 2014/15).
- World Bank,*Women, Business, and the Law 2018*(World Bank, 2018) 15.
- World Economic Forum, *Global Gender Gap Report 2020* <<https://www.weforum.org/reports/global-gender-gap-report-2020>>
- Wrigley, Cara and Karla Straker. 'Designing Innovative Business Models with a Framework that Promotes Experimentation' (2016) 44(1)*Strategy and Leadership* 11-19.
- Wyss,Lorenz, 'Decentralization and Central and Regional Coordination of Health Services: The Case of Switzerland' (2000) 15 *International Journal of Health Planning and Management*103-114.
- Yarchi, Moran and Tal Samuel-Azran, 'Women Politicians are More Engaging: Male versus Female Politicians' Ability to Generate Users' Engagement on Social Media During an Election Campaign' (2018) 21(7)*Information, Communication and Society* 978-995.
- Yazdani, Fauzia, *Women's Representation in Local Government in Pakistan: Impact Analysis and Future Policy Implications* (Open Society Institute, 2002).
- Yilmaz, Ihsan 'Pakistan Federal Shariat Court's Collective Ijtihād on Gender Equality, Women's Rights and the Right to Family Life' (2014) 25(2)*Islam and Christian-Muslim Relations*181-192.
- Zakar, Rubeena, Muhammad Zakria Zakar and Alexander Kraemer, 'Men's Beliefs and Attitudes toward Intimate Partner Violence against Women in Pakistan' (2013) 19(2)*Violence against Women* 246-268.
- Zubair, Muhammad Abbasi, 'Women's Right to Unilateral No-Fault Based Divorce in Pakistan and India' (2016) 7(1)*Jindal Global Law Review* 81-95.

The Forum is an international organization that develops and shares comparative expertise on the practice of federal and decentralized governance through a global network.