

SDC(LMA)

This is submitted
for your approval
and onward transmission
to the Hon. Speaker/ Clerk
for their approval.

Agri

29/11/16



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

PARLIAMENT
OF KENYA
LIBRARY

COMMUNICATION FROM THE CHAIR

ON THE SELF-ASSESSMENT EXERCISE TO EVALUATE THE LEVEL OF GENDER
SENSITIVITY OF THE PARLIAMENT OF KENYA

1. **Honourable Senators**, you will recall that the IPU sent an Expert Mission to Kenya from 12th to 17th July, 2015 to offer advice on the way forward in implementing the Constitutional requirement on the two thirds gender rule upon a request by the Parliament of Kenya.
2. Following consultative meetings, with Members of Parliament, the Executive, Constitutional Commissions and Civil Society Organizations, the Expert Mission forwarded its report to Parliament on 23rd July, 2015. The report contained suggestions on how to meet the two thirds gender rule based on the discussions that were held and further identified the following three additional areas of collaboration between the Parliament of Kenya and IPU-
 - (a) Building capacity of women parliamentarians;
 - (b) Evaluation of the level of gender sensitivity of the Parliament of Kenya through conduct of a self-assessment exercise; and
 - (c) Organizing a parliamentary debate on women's participation.
3. **Honourable Senators**, as a follow up on the suggested areas of collaboration, the IPU on 3rd October, 2016 wrote to the Speakers of the Senate and National Assembly requesting to collaborate with the

The Hon. Speaker
You may approve.
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29/11/16

Parliament of Kenya in a self assessment exercise on the level of gender sensitivity in the Parliament of Kenya, a request which was granted.

4. Consequently, the IPU together in collaboration with our Parliament has organized a sideline meeting during the ongoing Second High Level Meeting (HLM2) of the Global Partnership for Effective Development Cooperation (GPEDC) aimed at undertaking the self assessment exercise. The meeting, which started yesterday, Monday, 28th November, 2016, is currently taking place at the Sarova Stanley here in Nairobi. It will end tomorrow, Wednesday, 30^h November, 2016. I had the opportunity to attend the opening session together with some Members of the Senate delegation to the meeting and I found the deliberations quite insightful.
5. **Honourable Senators**, the IPU has designed an assessment tool in the form of a questionnaire which I have instructed to the Office of the Clerk to circulate to all Senators this afternoon. I urge you all to fill the questionnaire and hand it to the Serjeant-at-Arms at the entrance to the Senate Chamber so that it can be given back to the IPU team by close of day today.

I thank you.

SEN. DAVID EKWEE ETHURO, E.G.H. E.B.S., M.P.
SPEAKER OF THE SENATE

29th November, 2016



PARLIAMENT OF KENYA



Inter Parliamentary Union

For democracy, for everyone

QUESTIONNAIRE

1 – Numbers and positions of women

By definition, parliamentary democracy requires a parliament to be reflective of those it represents. Women's participation in parliament is therefore a question of democracy. While the story of women's political participation around the world is one of gradual improvement, there is still a need to consider how many women are in parliament and the positions of leadership they hold.

1.1 What factors have enabled the election or appointment of women to parliament?

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What are the obstacles that hinder a greater participation of women in parliament?

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1.2 Is the current level of representation satisfactory (for members of parliament; for the constituency; according to national and international targets)?

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What mechanisms are, or could be, in place to ensure a certain numerical representation of women?
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1.3 Are women elected or appointed through a temporary special measure (e.g. reserved seats) perceived in the same way as those elected through open competition with men?
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1.4 What percentage of leadership positions are held by women?
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What positions of leadership do women occupy in parliament?
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How are positions of leadership allocated?

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1.5 Are there any measures to guarantee women's access to positions of leadership in the parliament?

If yes, what are they?

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If not, should they be adopted?

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Could, and should, each committee be co-chaired by a man and a woman?

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1.6 Are men and women represented in all committees?

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In which committees are women mostly represented?

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In which committees are women under-represented or absent?

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How is committee membership decided?

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Are stereotypes of women's interests reinforced by committee membership?

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1.7 How is monitoring conducted of the number of women working in parliament and the leadership positions they hold?

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If there is a dedicated monitoring body; is that body required to report publicly and regularly to parliament?

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Wrap-up questions

What has been the biggest recent improvement in the above?

What is the most serious ongoing deficiency?

What would be needed to remedy this deficiency?

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2 – The legal and policy framework

Parliament has a fundamental role to play in ensuring that legislation does not discriminate against men or women and that it promotes gender equality. At the national level, this is achieved by implementing gender-sensitive legal frameworks, including gender equality laws. Parliaments can also be role models in promoting gender equality. For instance, they can ensure that their own internal processes and rules do not discriminate against any of their members. They can also design and implement gender-sensitive Plans of Action and Strategic Plans.

National framework

2.1 What national laws ensure gender equality?

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How gender-sensitive is the country's Constitution?

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What are the most significant laws that Parliament has adopted in the past two to

five years to advance gender equality?

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2.2 How are gender equality-related laws initiated or amended in parliament?

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Is there a need to improve this process?

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2.3 Is there a law or policy that mandates gender mainstreaming across the government and parliament?

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If so, who or what is responsible for overseeing its implementation in parliament?

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If not, is such a law or policy needed?

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Parliamentary work

2.4 How does parliament ensure that existing and proposed laws comply with the Convention on the Elimination of All Forms of Discrimination against Women and other international and regional gender equality obligations?

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2.5 Does parliament analyse laws from a gender perspective, so as to measure their differing impacts on men and women?

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If so, who or what is responsible for that analysis in parliament?

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Parliamentary policies and practices

2.6 Are the rules of parliament gender-sensitive?

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If the rules of parliament have been analysed from a gender perspective, who or what was responsible for that analysis?

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2.7 Does the parliament have an overarching Strategic Plan or Plan of Action that promotes gender equality?

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If so, how is that Plan implemented, monitored and evaluated?

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If not, how could such a gender equality Plan be developed?

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2.8 Are there other Plans of Action in the parliament?

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If so, are they gender-sensitive? Are there mechanisms to ensure monitoring and evaluation of these plans?

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If not, how could these plans become more gender-sensitive?

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Wrap-up questions

What has been the biggest recent improvement made in the above?

What is the most serious ongoing deficiency?

What would be needed to remedy this deficiency?

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3 – Mainstreaming gender equality

Parliaments require mechanisms and expertise to ensure that gender equality is systematically addressed, and that the impact of laws, policies and budgets are analysed from a gender perspective. Those mechanisms could be a dedicated parliamentary

committee or a women's caucus. But they could also be a less formal structure, such as a network of focal points. Whatever the form of the mechanism or structure, relationships with organizations, such as national women's machineries and women's non-governmental organizations, are essential.

3.1 What mechanisms or structures are used to mainstream gender equality in the work of the parliament?

For example, is there a dedicated committee on gender equality or a women's parliamentary caucus? Are there gender focal points? Is there a dedicated gender desk or unit to provide information and advice?

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Should one or more of the above mechanisms or structures be established?

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3.2 What tools has the parliament created for gender mainstreaming?

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Has the parliament developed checklists by which to assess legislation from a gender perspective?

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Does the parliament have access to sex-disaggregated data and if so, how is it used?

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Have any other tools proved useful in mainstreaming gender equality concerns in the work of the parliament?

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Are sufficient resources allocated to gender mainstreaming?

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3.3 How effective are the bodies responsible for gender equality in the parliament?

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What relationships do they have with the national women's machinery, civil society organizations, the private sector, the media and others?

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Do they have sufficient powers?

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How well resourced are they (in terms of staff, meeting rooms, budget etc.)?

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What changes have they been able to make in support of gender equality?

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Should their positioning in the parliamentary organization be revised or upgraded?

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3.4 If there is a parliamentary women's caucus, how does it work?

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How is it organized? How are decisions taken?

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How do those who are not members of the caucus perceive it?

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3.5 Where there is more than one parliamentary body dealing with gender equality, how do they relate to each other?

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Is there a formal coordination mechanism between them?

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Is the working relationship effective?

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3.6 Is gender equality mainstreamed in the budget and the budget oversight process?

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If so, are there any difficulties faced in this process?

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If not, how could gender be mainstreamed in this process?

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Wrap-up questions
What has been the biggest recent improvement in the above?
What is the most serious ongoing deficiency?
What would be needed to remedy this deficiency?

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4 – The culture, environment and policies of parliament

Women have tended to enter parliament later in comparison to men. Parliament's facilities and procedures are therefore usually designed by and for men. One possible consequence of this is that aspects of parliamentary routine and infrastructure affect men and women parliamentarians in different ways. Members of parliament are expected to conform to their institution's written and unwritten rules and norms. These become the parliament's culture and create the space in which members feel comfortable (or otherwise) doing their jobs. Adjusting to that culture can be challenging, particularly when members first enter parliament.

4.1 In general terms, how is gender equality perceived in parliament?

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Are there measures taken to enhance understanding of and support for gender equality?
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What (other) measures would be useful to enhance support for gender equality in parliament?
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4.2 How would you describe the culture (language, customs, dress codes) of the parliament with respect to gender: is it gender-sensitive, gender-neutral or gender-blind?

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4.3 Are there discriminatory and derogatory stereotypes about women in parliament?

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If so, how can these be eliminated?

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4.4 Has the parliamentary building ever been reviewed from a gender perspective?

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How does the parliament building cater to the needs of the women and men who work there? Do services available include those mainly sought by women?

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How does the parliamentary building cater to MPs with babies and small children? Are there, for example, special rooms for breastfeeding mothers, a childcare centre or a family room? Does parliament provide childcare facilities?

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How important is it to have such infrastructure in parliament?

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4.5 Do the parliament's conditions of work allow MPs to balance work and family obligations?

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Do sitting hours allow MPs to spend enough time with their family?

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Are MPs given sufficient parental, maternity or paternity leave?

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What happens to a member's vote while she or he is on parental, maternity or paternity leave?

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4.6 Can the parliament be considered a gender-sensitive work space, both in terms of facilities and symbolic references?

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What criteria determine the allocation of office space and equipment in the parliament?

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Do the names of rooms in the building reflect both men and women leaders and historical figures? Who is responsible for taking decisions in this regard?

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Has the artwork displayed in the building been commissioned from women and men artists?

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4.7 Does the parliament have policies to ensure that the workplace is free of discrimination, sexism and harassment?

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Is there a code of conduct? Is it used effectively to ensure appropriate behaviour in parliament?

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How could the code of conduct become more gender-sensitive?

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Is there an anti-harassment policy and a mechanism to address complaints of harassment and discrimination? Have complaints been resolved efficiently and effectively?

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Is there a policy against discrimination?

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4.8 What criteria determine the allocation of travel opportunities for members of parliament?

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Is there agreement that these are distributed equitably among men and women parliamentarians? If not, what prevents an equitable distribution?

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4.9 Are the communications (or media) and public outreach policies of the parliament gender-sensitive, gender-neutral or gender blind?

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How could these policies better reflect and give visibility to the work of the parliament on gender equality?

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Has the communications material produced by parliament ever been reviewed or audited from a gender perspective? Did the review include communication on social media?

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During public events held in parliament, do women and men participate in equal numbers?

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Wrap-up questions

What has been the biggest recent improvement in the above?

What is the most serious ongoing deficiency?

What would be needed to remedy this deficiency?

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5 – Sharing responsibility with men

In most societies, both men and women have become increasingly aware of the importance of challenging the social norms that perpetuate gender inequality. In addition, an increasing awareness of the same issue among younger men has resulted in stronger partnerships between men and women on gender equality. Gender equality cannot be achieved without the support and involvement of men and women. Moreover, it is increasingly clear that social and economic progress depend on the eradication of all forms of inequality. Parliamentarians understand that their electorates no longer accept the absence of women from the political sphere.

5.1 Is gender equality understood to also concern men and to be part of their responsibility?

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Have men parliamentarians been involved in initiating or co-sponsoring legislation on gender equality?

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What factors commonly motivate men to address these issues?

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5.2 Do men parliamentarians take public stances on gender equality and if so, what particular issues do they tend to publicly champion?

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How regularly do men take the floor during parliamentary debates on gender equality?

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How often do men parliamentarians raise their constituents' concerns on gender equality issues?

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5.3 How receptive are women to men's involvement in, and contribution to, gender equality issues?

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5.4 Could, and should, men and women MPs share the leadership of parliamentary committees dealing with gender equality?

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5.5 Are there professional development or training opportunities provided to men and women parliamentarians? Do these include seminars on gender equality issues?

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5.6 Are men included on study tours or international delegations dealing with gender equality or gender mainstreaming?

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5.7 Can the parliament be considered a role model for gender partnership?

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If so, why has the partnership succeeded?

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If not, how could the partnership be strengthened?

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Wrap-up questions

What has been the biggest recent improvement in the above?

What is the most serious ongoing deficiency?

What would be needed to remedy this deficiency?

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6 – Political parties

Political parties are generally seen as less transparent – and therefore less accountable – than parliaments on gender equality. Yet parties are increasingly the dominant form of political organization and the primary vehicle by which members of parliament are elected. The issue of gender equality in politics needs to be taken equally seriously by political parties.

6.1 What factors would define a political party as gender-sensitive?

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In general terms, can the political parties currently represented in parliament be considered gender-sensitive?

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6.2 Is there a need for political parties to increase the number of women in their ranks?

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If so, how should this be done?

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Are gender quotas applied in the governance structure of political parties?

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6.3 Do the work arrangements and practices of political parties (such as meeting times, internal rules, and processes for leadership promotion) encourage women's participation?

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If so, what examples of good practice could be highlighted?

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If not, how should these arrangements be improved?

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6.4 How do political parties develop their policies on gender equality?

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Is there, for example, a women's caucus within the party, or a working group or committee on gender equality?

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6.5 How prominent are gender equality issues in the political party platform?

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6.6 Do political parties communicate their commitment to gender equality to the electorate?

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If so, how?

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6.7 Are gender stereotypes conveyed by political party representatives?

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If so, how are such practices dealt with internally?

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6.8 If applicable, how do parliamentary party groups influence or propose gender equality policy and legislation?

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Wrap-up questions

What has been the biggest recent improvement in the above?

What is the most serious ongoing deficiency?

What would be needed to remedy this deficiency?

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7 – Parliamentary staff

Parliament is also a workplace for many professionals who support the chambers, committees and individual members. In many parliaments, the working conditions of parliamentary staff are similar to, or exactly the same as, those of government employees and are not the same as conditions for parliamentarians. However, while parliament is in session, parliamentary staff can often keep the same hours as parliamentarians, rather than government employees. In this sense, there is merit in reviewing the policies that apply to parliamentary staff.

7.1 Is there a gender balance in the number of staff working for the parliamentary administration?

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If so, have special measures been used to ensure that balance?

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If not, should special measures be adopted to redress the imbalance?
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Are there disparities among parliamentary services or units regarding their gender composition?
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Who is in charge of setting up recruitment panels? Are gender requirements applied when panels are formed?
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7.2 Are men and women represented equally among the senior staff of the administration?
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Which departments or units are led by women?
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7.3 Does the parliamentary administration have policies to ensure that the workplace is free of discrimination, sexism and harassment?
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Is there an anti-harassment policy and a mechanism to address complaints of harassment and discrimination? Have complaints been resolved efficiently and effectively?
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Is there a policy against discrimination?

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Is there an equal pay policy? If so, what mechanisms exist to ensure non-discrimination among male and female staff?

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7.4 Are there equal development opportunities for men and women?

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7.5 Do the parliament's conditions of work allow staff to balance work and family?

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Are staff entitlements to parental, maternity or paternity leave considered sufficient?

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Is financial support provided to staff with dependants in order to cater for childcare and elderly care expenses?

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How are staff compensated for long parliamentary sitting hours?

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7.6 How does the parliamentary building cater to staff with babies and small children?

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Are staff entitled to use any special rooms for breastfeeding mothers, childcare

centres or family rooms that exist?

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Does parliament provide childcare facilities?

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7.7 Does the staff of the parliamentary administration include experts on gender equality?

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Do the specialized staff provide services to all MPs or to a dedicated structure such as a parliamentary committee?

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How are the staff in charge of gender perceived in parliament?

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Do the specialized staff have access to the same information as other staff in the secretariat?

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Are they able to provide expert advice on all legislation?

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7.8 Are there professional development opportunities provided to parliamentary staff, who work on gender equality?

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Are these provided to all staff, male and female?

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Does performance appraisal of staff include gender-equality-related objectives?

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Wrap-up questions

What has been the biggest recent improvement in the above?

What is the most serious ongoing deficiency?

What would be needed to remedy this deficiency?

Other issues

Finally, please describe any issues of concern that have not been addressed in this questionnaire.
