

FACT SHEET

Implementing temporary special measures to promote women's representation in the PNG National Parliament: Options, arguments and analysis

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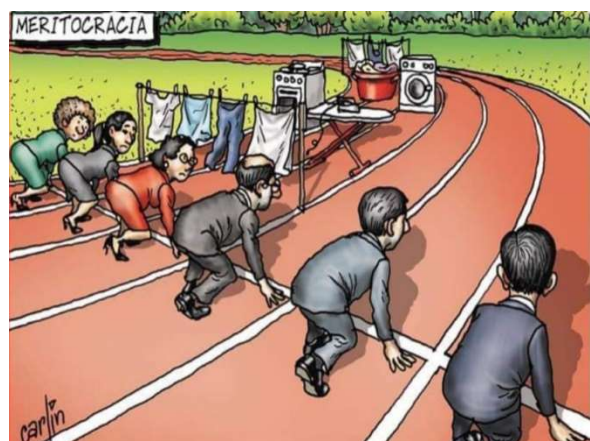
In Papua New Guinea's history, there have only ever been seven women elected to the National Parliament. Three women were elected into the very first independence Parliament, and three women were elected to Parliament in the 2012 National Elections, but at the time of writing, there are no women at all in the country's most important representative body.

Why do we need more women in our National Parliament?

Barriers to ensuring women's active participation in national development, including in politics, means that PNG is missing a vital opportunity to harness the full potential of all of the country's human resources. Leaving in place institutional, cultural and practical barriers that limit women's opportunities to effectively contribute to the decision-making and development processes that affect them is a failure to maximise national economic opportunities. In this regard, a 2015 report found that \$12 trillion could be added to global GDP by 2025 by advancing women's equality.¹

PNG women have a tangible contribution to make to politics; their lived experiences as workers, daughters, mothers and citizens often give them different perspectives from male MPs which can benefit law-making, decision-making and policy-making.² Women MPs can offer specific perspectives in enacting gender responsive laws, for example, in relation to gender-based violence, sexual harassment, labour laws and family law. In the current context of trying to address the scourge of gender-based violence through parliamentary action, the lack of women's voices in the discussion over what is best to do is incredibly problematic.

Simple principles of democratic fairness strongly justify PNG MPs taking action to address the lack of women in Parliament as a matter of priority. Women comprise half the population of the country; they deserve to have their voices equally heard in the highest decision-making body in PNG. Women's exclusion stems from a range of historical, cultural, economic and legal factors that restricted women's capacities to engage effectively in politics, rather than because of any inherent



¹ "How Advancing Women's Equality Can Add \$12 Trillion to Global Growth", <https://www.mckinsey.com/featured-insights/employment-and-growth/how-advancing-womens-equality-can-add-12-trillion-to-global-growth> viewed 20 January 2020.

² Morna CL and Makaya-Magarangoma M, "Impact of Women's Political Leadership on Democracy and Development: South Africa" (Commonwealth Secretariat, London, UK, 2013) at p.6, https://www.thecommonwealth-ilibrary.org/commonwealth/governance/the-impact-of-women-s-political-leadership-on-democracy-and-development_9781848591677-en.

incapacity or disqualification special to women. These barriers need to be addressed proactively; women of merit can still be elected, but some form of temporary measure will enable them to get past the structural barriers that to date have limited their ability to get elected as in reality, they have not been competing on a level playing field.

How can TSMs be used to promote more women in parliament?

Across the world, 130 countries – or more than 60% of the world – currently use some form of voluntary or compulsory quota for women to promote women's political representation in national and/or sub-national legislatures.³ The different approaches utilised across the world reflect the different political and electoral systems in operation. In the Pacific:

- Samoa developed its own, very unique quota system which ensures that a minimum of 10% of the Parliament is represented by women. If 10% are elected, no action is taken; if less than 10% are elected, then additional women MPs are added according to which women candidates attracted the biggest vote share percentage during the election.
- Bougainville has reserved three seats for women in the legislature through the Constitution (and three seats are also reserved for ex-combatants). As a result, three women have been elected into every Bougainville Parliament through reserved seats, and in 2015 and 2020 one woman has been elected into an open seat.
- Some parties in Australia and New Zealand have adopted voluntary party quotas. For example, the Australian Labor Party started implementing a 35% quota from 1994, and after this was successful, a new rule was adopted in 2003 requiring a 40% gender neutral quota to be implemented by 2012 (40:40:20), which means that 40% of candidates now have to be women, 40% must be men and 20% may be either men or women. The rule was amended again in 2019 require that 50% of candidates must be women by 2025

In countries like PNG, which have some form of majoritarian voting system – in this case, the limited preferential vote which elect one person per constituency – the most common form of TSMs are reserved seats and/or political party quotas.

TSMs can help PNG implement global and regional commitments to gender equality

If action is taking to legislatively entrench women's political representation in the National Parliament, this will also go some way to enabling PNG to meet the many international, regional and constitutional commitments the successive Governments have made to equal political participation. Specifically:

- The right of women and girls to participate actively in political life was reinforced in the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), which was adopted in 1979, came into force in 1981 and was acceded to by PNG in 1995. Article 2 calls on States Parties to eliminate discrimination against women and girls. Article 7 endorses women's equal right to participation in political and public life, including the right to vote in elections and public referenda, eligibility for election to all publicly elected bodies and participation in the formulation and implementation of government policy.

³ <https://www.idea.int/data-tools/data/gender-quotas/regions-overview>

CEDAW went further than simply entrenching principles of non-discrimination and equality and called on States Parties to take action as an imperative. Two articles are critical in this context:

- Article 3 calls on States Parties to all appropriate measures, including legislation, to ensure the full development and advancement of women “in all fields, in particular in the political...field”;
- Article 4 specifically referenced the concept of “temporary special measures”, recognising that such measures aimed at accelerating de facto equality between men and women would not be considered discrimination. This article also recognised explicitly that such measures would be discontinued when the objectives of equality of opportunity and treatment were achieved.

- The 1995 Beijing Declaration and Platform for Action recognised women’s political participation as one of its 12 core pillars⁴ and was the first global women’s agreement to endorse first a 30% minimum benchmark for women in politics, and in later iterations a 50/50 gender balance as a long-term target.⁵ The Platform was reviewed and updated in 2020 upon its 25th anniversary, and Governments recommitted to promoting women’s equal political participation.
- PNG has endorsed the 2030 Agenda for Change and the Sustainable Development Goals. SDG-5 includes a specific target aimed ensuring women’s full and effective participation and equal opportunities for leadership at all levels,⁶ and will be monitored by tracking both the percentage of women in national legislatures and of women elected to sub-national governments.

Figure 1: Relevant SDG targets on women’s political participation



- PNG is a member of the Commonwealth and at the 11th Commonwealth Women’s Affairs Ministers Meetings in 2016 and 2019, Ministers agreed to prioritise four areas for action, one of which is “women in leadership”.⁷ In support of this pillar of work, Ministers “agreed to continue the advocacy for increased numbers and effective participation of women in leadership at all levels of decision making in the private and public sectors”.⁸

⁴ The 1995 Beijing Declaration and Platform for Action (BPfA), agreed to by 189 States parties established the goal of gender balance in governmental bodies and committees, public administrative entities and the judiciary: “Beijing Declaration and Platform for Action” (The Fourth World Conference on Women, Beijing, 15 September 1995), https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf viewed 16 January 2020.

⁵ *Global Norms and Standards: Leadership and Political Participation* UN Women, <https://www.unwomen.org/what-we-do/leadership-and-political-participation/global-norms-and-standards> viewed 18 February 2020.

⁶ *Sustainable Development Goal 5: Achieve Gender Equality and Empower All Women and Girls* (16 January 2020) Sustainable Development Goals Knowledge Platform, <https://sustainabledevelopment.un.org/sdg5> viewed 16 January 2020.

⁷ “Eleventh Commonwealth Women’s Affairs Ministers Meeting - ‘Gender Equality through Sustainable Development in An Inclusive Commonwealth’ - Apia Communiqué 2016” (Commonwealth Secretariat, Apia, Samoa, 8 September 2016).

⁸ “Eleventh Commonwealth Women’s Affairs Ministers Meeting - ‘Gender Equality through Sustainable Development in An Inclusive Commonwealth’ - Apia Communiqué 2016”, n 38.

- PNG is a member of the Pacific Islands Forum and in 2012 the Pacific Gender Equality Leaders Declaration specifically committed Pacific Islands countries to “Adopt measures, including temporary special measures (such as legislation to establish reserved seats for women and political party reforms), to accelerate women’s full and equal participation in governance reform at all levels and women’s leadership in all decision making.

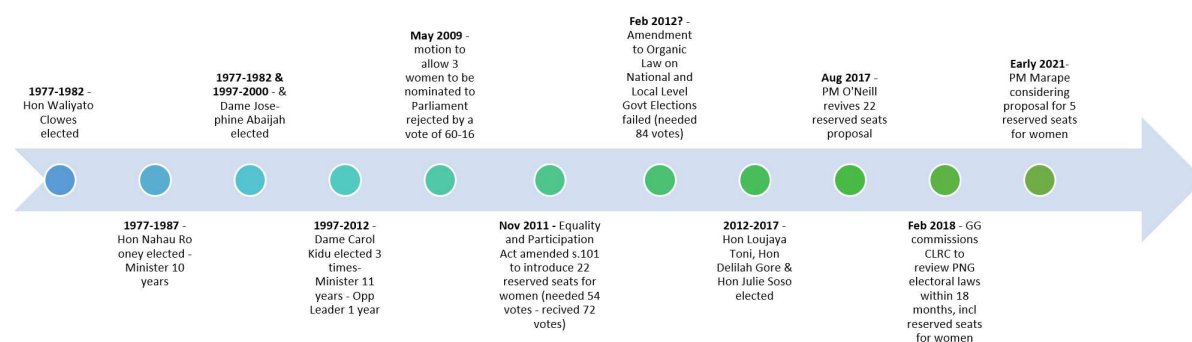
Previous TSM proposals in PNG

In the period following the 2007 National Elections, a strong national campaign was developed to promote temporary special measures for women which would ensure that a minimum number of women representatives would be included in the National Parliament. The campaign was led by Dame Carol Kidu in her role as Minister for Community Development within the Somare Government and was supported by women’s organisations – and people – across the country.

A first proposal aimed to nominate three women to Parliament, using an existing provision in ss.101 and 102 of the National Constitution. This proposal was defeated in a vote on the floor of Parliament, which was needed to confirm the nomination process.

A second proposal aimed to introduce 22 seats reserved for women in the National Parliament. These 22 seats would be additional to the existing 109 seats at that time. They would be voted upon by all voters (men and women) and each seat would represent one province plus the National Capital District, in the same way that Governor’s seats currently do. Each seat would have full voting rights within the Parliament. A constitutional amendment was passed in November 2011 to allow the 22 seats for women to be added. However, an amendment to the Organic Law on National and Local Level Government Elections was not passed. That amendment was needed to create the 22 new constituencies for women.

Figure 2: Summary of TSM efforts to date



In response to the failure to elect any women during the 2017 National Elections, in the immediate aftermath of the elections PM O’Neill committed to reviving the 22 reserved seats proposal. In 2018, the Constitutional and Law Reform Commission (CLRC) was tasked with reviewing PNG’s electoral laws within 18 months, including options for promoting women through temporary special measures. It is understood that the report has been produced, but no public copy is available.

Current TSM proposals being developed

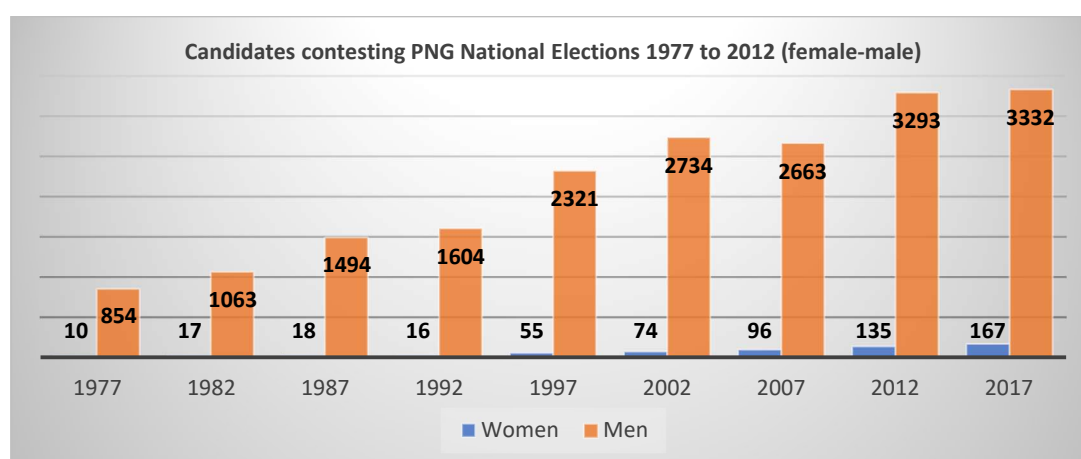
Following the change of Government in May 2019, PM Marape was equivocal on whether or not to pursue any form of temporary special measures. However, in June 2020 PM Marape came out in favour of some form of temporary special measure. Two proposals are currently being considered:

- **Introducing 5 reserved seats for women in the National Parliament:** It is understood that the Government is proposing 5 regional seats, with one regional women’s seat created for the Islands,

Momase, and Southern regions and two regional women's seats created for the Highlands regions (though it is not yet clear how the highlands provinces will be split across these two seats). It will be important to get clarity on which laws will need to be amended to implement this reform, as well as what majority of votes will be needed to amend each law.⁹

➤ ***Reforming the Organic Law on Political Parties and Candidates (OLIPPAC):*** The Integrity for Political Parties and Candidates Commission (IPPC) has been working for some time on reforming the OLIPPAC, including to introduce and strengthen various incentives to support more women being nominated and supported by political parties. Current reforms include:

- ***Minimum percentage of women candidates nominated by political parties:*** The reform seeks to introduce a new requirement that all political parties must nominate at least 10-20% women out of the full slate of candidates that they nominate in any election (new s.63(4)). This would ensure considerably more women are nominated and would get experience running in elections. Consider for comparison that in the 2017 election, only 167 women candidates ran out of a total of 3332 candidates overall; of these only 68 were endorsed by political parties. It is not clear whether any sanctions will be imposed on political parties who do not comply. The OLIPPAC currently includes fines for some breaches, but it is not clear whether fines will apply to failures to nominate sufficient women. Some similar regimes in other countries enable the Election Commission (or in this case the IPPC) to refuse the full slate of a party's candidates if they do not nominate sufficient women.



- ***Increasing the amount of money political parties can claim back for women candidates:*** Currently, every political party is given K10,000 per candidates successful elected to Parliament, and is also reimbursed 75% of that amount for women candidates who lose but receive at least 10% of first preference votes (old s.62). The amendment is increasing the funding to K20,000 per successful candidate, and the 75% reimbursement for women will apply to that higher amount (new s.82). Notably, even in its current form, this provision has not been much used to date because even where political parties have nominated women it does not appear that they have been providing them with financial support and/or where they did, they have not kept proper accounting records to facilitate reimbursement.

⁹ The PNG Constitution sets out different voting minimums required to amend different parts of the Constitution and Organic Laws. Ordinary laws require that only a majority of those present vote in favour (once the quorum has been met), called a "simple majority". However, other laws require an "absolute majority" (which means 1 vote more than half of the number of Members of Parliament, ie. 56), while others require a "2/3 majority" of Parliament (74 MPs) or a "3/4 majority" of Parliament (84 MPs).

The current draft of the OLIPPAC reforms requires that all candidates must have been a financial member of their political party for more than two years to be eligible to be a candidate. This is intended to ensure that candidates are genuinely committed to the party and its principles. However, experience suggests that this could severely limit the number of women eligible to be nominated as candidates. It is very common that women will approach multiple parties – and that multiple parties may encourage a strong women candidate to join their slate of candidates – such that many women candidates often only finalise their party membership in the months leading up to an election. Coalition members may wish to discuss this issue with the IPPCC and/or propose an amendment to the draft law to reduce the time women must be financial members of a party to a more practical period (e.g. 3-6 months before an election).