

II. THE FRAMEWORK

The review of legislation from a gender perspective must cover all stages of the legislative process including: 1) drafting and introduction of the bill; 2) committee deliberation; 3) approval and enactment; and 4) oversight of implementation.

Depending on whether the political system is presidential or parliamentary, the **drafting and introduction of a bill** can be done either by the executive, or the legislature or both, but there are permutations of each type. Normally, in a **presidential system**, where the two branches of government are elected separately and are independent of each other, bills emanate from the legislature although the executive defines its legislative programme/agenda at the start of each congressional session. Such is the case in the Philippines, but in Indonesia – another presidential system – the executive actively participates in the preparation and drafting of legislation. **Table 1** shows that most countries in Southeast Asia are **parliamentary** and there are two executives, the President or the monarch who is the head of State, and the Prime Minister who is the head of government and leader of the biggest or the majority party in Parliament. Both Thailand and Cambodia have constitutional monarchs as their heads of State. In a parliamentary system, the cabinet is chosen from among MPs, and the ministries and legislature can initiate bills. The majority of legislative proposals however come from the government or the executive.

The **role of legislative committees** also varies based on the system of government. In **presidential systems** like the U.S. and the Philippines, committees play a powerful role in the legislative process. No bill can be discussed in plenary without committee deliberation and approval. Political parties are represented in committees in proportion to the number of seats they have in the legislature. The chairmanship of the committee is usually given to the senior member of the majority party. The Committee Chair leads the debate on the committee's proposed bill or any matter related to its area of work during the plenary session. Committees also tend to be a permanent feature of the legislature's organizational set-up. The jurisdiction of the committee is defined by subject matter and follows the structure of the administrative agencies.

Committees in a **parliamentary system** on the other hand can be described as follows: 1) usually *ad hoc* and disbanded after the consideration of a bill; 2) unable to block the passage of a bill and sometimes can offer only technical amendments; and 3) comprised of members whose membership does not last for the duration of parliament. This is because of the belief that the draft proposal has gone through many stages of scrutiny at the executive level and another round of examination at the legislative branch is redundant. However, in CEDAW-SEAP countries with parliamentary governments like Vietnam, Lao PDR, Cambodia and Timor-Leste, the committee system is a well-entrenched structure in the legislature.

There are various players involved in the **approval and enactment of a bill**. Where the legislative process is open and free and a number of political parties participate in decision-making, the final version of the bill is the result of negotiation among competing interests and claims. This is of course not the case when there is only one political party or only one person or group of persons who exercises authority.