

I. BACKGROUND

One of the immediate outcomes of Phase II of the CEDAW SEAP programme is "increased skills and knowledge of government officials and civil society gender experts on CEDAW compliance in the development and monitoring of new and revised legislative frameworks."¹ In line with this, a gender assessment of legislative mechanisms and processes in all seven CEDAW-SEAP countries² from a gender perspective was conducted "to identify the most strategic institution/mechanism to target UN WOMEN's capacity development support for gender-based legislative reviews."³ Using a combination of desk reviews and on-site interviews, information was gathered on how CEDAW is being mainstreamed in legislation from the time it is conceptualized to its drafting, discussion in the committees, deliberation on the floor and finally, enactment to law.

The study has five major sections: 1) Introduction of the Framework for the Study; 2) Scanning of Existing Global Practices; 3) Review of Legislative Structures and Processes in the CEDAW-SEAP countries; 4) Major Findings Focusing on Capacity Development; and 5) Concrete and Specific Recommendations.

The Framework used in the study was the Presidential-Parliamentary System Framework as it determines whether the executive or the legislative branch has the upper hand in the legislative process. It will also influence the decision of where to house an institutionalized, sustainable capacity development programme. In a presidential system, the logical place is the Parliament or Congress while in a parliamentary system, the Ministry of Law and Justice may be the most practical location. The scanning of global practices related to gender mainstreaming in legislation showed what works well and can serve as models for CEDAW-SEAP countries. The review of legislative structures and processes started from the drafting of a bill to its enactment into law. The last part of the paper focuses on capacity development and provides concrete and specific recommendations. This study was guided by the PMF of CEDAW-SEAP namely: 1) the general capacity of legislators/executive officials/civil society organizations (CSOs) to apply CEDAW norms and standards in lawmaking and review of legislation; 2) the existence of institutionalized programmes and arrangements for gender mainstreaming in legislation; and 3) the existence of institutionalized processes for mainstreaming gender in the legislature or executive.

1. UN WOMEN East and Southeast Asia Sub-Regional Office, 'Programme Brief', p. 1.

2. The countries of CEDAW-SEAP are Cambodia, Indonesia, Lao People's Democratic Republic (PDR), Philippines, Thailand, Timor-Leste, and Viet Nam.

3. Terms of Reference, Consultant for Gender Assessment of National Lawmaking Mechanisms in Seven Countries in Southeast Asia."