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Network of Women Parliamentarians of the Americas

2004



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**EXECUTIVE COMMITTEE MEETING OF THE
NETWORK OF WOMEN PARLIAMENTARIANS OF THE AMERICAS**

**San Juan, Puerto Rico
September 24, 2004**

***DRAFT RESOLUTION ON THE VIOLATION OF
WOMEN'S RIGHTS IN DARFUR***

We, the members of the Network of Women Parliamentarians of the Americas gathered in San Juan, Puerto Rico, on September 24, 2004,

WHEREAS since the 1980s the Darfur region in Northwest Sudan has been the scene of various conflicts caused notably by economic problems (desertification, fighting for agricultural land, demographic growth) and rivalry between certain tribes and ethnic groups;

WHEREAS the situation in Darfur is related to the Sudan civil war that has pitted the North against the South since 1983;

WHEREAS since February 2003, this conflict has provoked a humanitarian catastrophe, with the International Red Cross and other organizations counting 10,000 dead, 200,000 refugees in Chad, and nearly a million Sudanese left homeless

WHEREAS for several years militiamen known as "Janjaweds" have led attacks against Darfur's civilians that continue to escalate and go unpunished;

WHEREAS many tens of thousands of women and children suffering from famine have been slaughtered or forced into exile following an alarming number of razings of villages, systematic pillaging, and group rapes of women and girls;

WHEREAS in March 2004, United Nations agencies decided to openly denounce the "ethnic cleansing" occurring in Darfur, with UN secretary general Kofi Annan raising the possibility of armed intervention and that, in light of this pressure, Sudanese president Omar El-Bechir agreed to sign a new ceasefire with rebels on April 8, 2004;

WHEREAS on July 30, 2004, the UN Security Council adopted Resolution 1556 on the situation in Darfur and has planned sanctions if its terms are not obeyed;

WHEREAS for months the Sudanese authorities have denied all foreigners access to Darfur, including UN members and humanitarian aid workers, making it extremely hard to provide food and refugee aid;

WISH to show our solidarity with Darfur civilians who are suffering as victims of violence, women and children in particular,

DEMAND an immediate end to the massacres, pillaging, and violence in Darfur to allow populations to safely return to their villages;

CALL ON the Sudanese government to give humanitarian organizations and international observers access to allow them to provide emergency aid to those who are homeless, refugees, or suffering from famine and help return peace and security to the region;

ASK that international observers be allowed to visit the entire region to investigate all human rights violations and publish the results of their investigations;

ASK that an international commission of inquiry be created in accordance with the United Nations High Commissioner for Refugees' (HCR) wishes to shed light on human rights violations since the start of the conflict;

ASK that Sudanese authorities recognize the human, political, and socioeconomic rights of all citizens, regardless of their origin, gender, age, race, language, or religion;

RECOMMEND that women and girls be protected against any sexual violence and discrimination, that the perpetrators of violence be found and brought to justice, and that local and international authorities take into account both the rights of minorities and gender-related issues;

ASK that the parties involved seek a peaceful solution to the conflict in Sudan in order to commence the process of national reconciliation;

ASK that the governments of the Americas and international organizations devote more funding to emergency humanitarian aid in Darfur, while working to solve the problems that led to the current crisis.



**MEETING OF THE EXECUTIVE COMMITTEE OF THE
NETWORK OF WOMEN PARLIAMENTARIANS OF THE AMERICAS**

**San Juan, Puerto Rico
September 24, 2004**

***RESOLUTION CONCERNING
THE VIOLATION OF WOMEN'S RIGHTS IN IRAQ***

We, the members of the Network of Woman Parliamentarians of the Americas gathered in San Juan, Puerto Rico, on this 24th day of September, 2004,

WHEREAS women in postwar Iraq need aid in three primary sectors: general and reproductive health services, education, and political participation;

WHEREAS Iraqi women must endure a situation characterized by police passivity, a lack of preventive measures against acts of violence, and the absence of repressive measures against guilty parties, to which are added the consequences of the war, destruction and looting, economic sanctions, and attacks against fundamental women's rights;

In the field of women's health:

WHEREAS in the context of insecurity that has reigned in Iraq since April 2003, and continues today, electric outages are frequent, potable water is difficult to obtain, and there is even a threat to food security, as 60% of women and their families depend on distributed food rations;

WHEREAS in this context of general insecurity, at least 400 women and girls have been raped, a figure certainly lower than actual fact given that the victims of sexual violence are often ostracized by society, and fears thereof inhibit these women and girls from participating in public life, attending school, working, and even seeking treatment;

WHEREAS the health care situation is extremely disquieting, and as a result of malnutrition and insufficient prenatal care, between 50 and 70% of pregnant women are anemic, 23% of newborn children are born with insufficient body mass, and maternal mortality has nearly doubled since 1991;

In the field of education and the workplace:

WHEREAS the literacy rate of women and the school enrollment rate of girls have diminished since 1991, and that in the year 2000, it was estimated that 31% of girls did not attend school, i.e., double the number of boys in the same situation;

WHEREAS women represent 52% of the population but only 23% of the regular work force, and many women work in the informal work force and must take extraordinary measures simply to survive;

WHEREAS in February 2003, the special Rapporteur on violence against women declared that the government of Iraq had instituted laws to protect women from sexual harassment and exploitation in the workplace, to allow women to join the armed forces and the police, and to give them equal rights in matters of divorce, real estate, taxation and voting;

In the field of women's participation in politics:

WHEREAS in spite of difficulties and dangers, women in Iraq have persisted in wanting to participate in and influence the political process by holding regional meetings, campaigning for the defense of rights, and conducting consultations on the appointment of women to positions in the transitional cabinet, the Independent Electoral Commission, and the future General Assembly;

WHEREAS the provisional constitution signed on March 8, 2004, contains a provision that forbids gender-based discrimination, although it does not specifically guarantee the equality of men and women in three key fields: marriage, the status of married women, and dissolution of marriage, inheritance rights and the possibility for non-Iraqi women married to Iraqi men to transmit their nationality to their children;

WHEREAS the provisional constitution contains specific clauses concerning the respect of equality, including a provision that a certain number of seats in parliament are granted to women, and further stipulates that any reference to the masculine includes both men and women;

WHEREAS the three women members of the Governing Council represent only 12% of the 25 members, and Ms. Aquila al-Hashimi, one of the three women sitting as members of the Council, was killed in an attack in September 2003;

HEREBY desire to manifest our solidarity with women who suffer from and are victims of violence, specifically the women of Iraq, and therefore

ENCOURAGE the Iraqi Governing Council to quickly address the need to promote women's economic autonomy, especially women who are poor, heads of families, or who live in rural areas; increase women's competitiveness in the workplace; reduce the education gap between boys and girls; develop institutional, social, and economic structures that take women's concerns into account; and recognize and use the capabilities and aptitudes of women in order that they may profit equally from all training and educational opportunities;

ASK that all parties concerned examine the need to protect women's and young girls and adolescents' rights to ensure that all sex crimes can be reported, and to ensure that all forms of discrimination against women and young girls and adolescents cease;

ASK that measures be taken to reform the judicial system; ensure that legislation is in accordance with international standards and conventions; include women in the police forces; make medical, psychological, and legal services available to victims of rape and sexual violence; and supply financial and technical aid to organizations of civil society that help women and young girls and adolescents who have suffered violence or other constraints in any form whatsoever;

RECOMMEND that the authorities now in place turn their attention to reproductive health, specifically emergency obstetrics, as a priority, and that they allocate the needed funds;

ASK that officials be appointed within each department and at each level of government who are sensitive to women's issues, to ensure that humanitarian aid, reconstruction, and civil administration provide for the needs of Iraqi women;

REITERATE the importance of the principle of guaranteeing and providing legal security to women; working unflaggingly to ensure respect for constitutional precepts, treaties, agreements, and current laws; seeing to the protection and promotion of human rights; seeking equality for persons of both sexes; and promoting laws that prevent, penalize, and eradicate violence against women;

REAFFIRM our firm decision to continue to fight against all forms of discrimination and violence against women in any part of the world, especially in countries that are theaters of armed conflict;

EXHORT competent authorities to move forward with the programs developed at United Nations world conferences on human rights and women's rights that harmonize, ensure, and improve existing legislation, regulations, and rules through amendments, specifically the signing and/or ratification of the optional Protocol to the Convention on the Elimination of Discrimination Against Women (CEDAW), thereby enabling women to lead their lives free from armed conflict and all other forms of discrimination and violence.



**MEETING OF THE EXECUTIVE COMMITTEE OF THE NETWORK OF WOMEN
PARLIAMENTARIANS OF THE AMERICAS**

**San Juan, Puerto Rico
September 24, 2004**

**RESOLUTION ON THE CENTRAL AMERICAN PARLIAMENT
(PARLACEN)**

WHEREAS

The decision adopted by the heads of state and government of the countries of *Sistema de la Integración Centroamericana* (SICA, Central American Integration Process) at meetings held this year to proceed to an integral reconsideration of *Institucionalidad Centroamericana* (the creation of institutions for Central America) with a view to equipping the region's countries with a modern, integrated regional structure adapted to present-day needs;

CONSIDERING THE FACT

That the Central American integration process has not kept up with the glaring needs of the populations in question and that not only must it be reviewed in depth, but the region's organizations and institutions must also be strengthened to ensure the process continues independently from the uncertainties of politics;

HAVING BEEN INFORMED

That following the last initial decision made in Belize in December 2003 regarding the reform, the Central American Parliament (PARLACEN) developed its own draft in February of this year and submitted it in the form of a document to the heads of state and government of SICA countries for consideration, which they did not welcome because it aimed to prevent them from being represented on the Special Committee appointed by the governments to develop the reform draft;

BEING OF THE VIEW

That PARLACEN has conducted a vast consultation of the main sociopolitical actors of each of the region's countries, notably on

1. The *Tegucigalpa Policy Declaration* drafted on May 26, 2004, which contains a resolution requiring that the reform guarantee "the running of powerful community organizations likely to directly influence the course of the process;"
2. The *Nicaragua National Assembly Declaration* adopted on June 29, 2004, in which the National Assembly members expressed their unconditional support for the proposal presented by PARLACEN and any other resolution aimed at strengthening it and not allowing its legitimacy to be diminished in any way on the grounds that its members are not elected directly by the population;
3. The *Managua Parliamentary Declaration* adopted on July 27, 2004, in which the parliamentarians expressed their support for PARLACEN and other SICA organizations, such as the Congress and Legislative Assembly Committees on Integration and External Relations;
4. The *Declaration of the Forum of Presidents of the Legislative Branch of Central America* (FOPREL) drafted in Guatemala last July, in which the presidents ask that SICA's legitimacy be asserted and its efficiency ensured;
5. The *Managua Declaration on the Occasion of the Commemoration of the 17 Years of Existence of the Esquipulas Agreements II* signed on July 12, 2004, by presidents Azcona, Cerezo, and Ortega, respectively from Honduras, Guatemala, and Nicaragua, who also signed the Esquipulas I and II Agreements. In this declaration, they openly support an in-depth review of the integration process and of the content of the Tegucigalpa Policy Declaration and ask the presidents of Central American countries to convene a new **Esquipulas III** that takes into account the urgency of taking action because of growing social needs in the region;
6. The *El Salvador National Assembly Resolution* adopted on August 12, 2004, asking that real powers to control SICA democratic, political, administrative, legislative, and budget duties be conferred on PARLACEN;
7. The Resolution of the IVth Regional Meeting of Women from Political Parties on "Women and Integration in Central America and the Caribbean and Reforms to the Community System" issued in El Salvador and calling for reform "guaranteeing the legitimate and exclusive representation of the region's peoples by parliamentarians directly elected through general elections..."

WHEREAS

The *position of the Central American Court of Justice (Corte Centro-Americano de Justicia - CCJ)* was presented in June of this year, in which the Court judged insufficient the framework of intergovernmental cooperation that has existed up to now and noted that the nonfulfillment by a country or group of countries of the treaties concluded within the institutional framework of SICA risks hindering the integration process;

BE IT RESOLVED

1. That the legislative bodies of our respective countries be urged to vote in favor of strengthening the Central American Parliament (PARLACEN) at this crucial time for the future of the region's integration process and the strengthening and consolidation of the Central American Integration Process;
2. That the region's parliaments be requested to express their support for PARLACEN and confer upon it the attributes it needs to efficiently fulfill its role as the legitimate representative of the Central American people;

That the heads of state and government of SICA countries be urged to responsibly deal with the current situation, which requires integration of the region and a strengthening of its institutional process more than ever before;

3. That the Parliamentary Confederation of the Americas (COPA) be urged to officially support the institutionalization of the Central American Integration Process (SICA) and demand an in-depth review of the process, and in particular the strengthening of PARLACEN;
4. That all women parliamentarians, members of this Confederation, be requested to urge their respective political parties to stand by PARLACEN as a legitimate, democratic body of SICA;
5. That this Resolution to Support the Central American Integration Process be adopted, especially in regard to supporting the strengthening of PARLACEN, as women parliamentarians are convinced that the integration of the Central American people and their institutions is the only means to successfully meet today's challenges and assure the populations in question the future they deserve.
6. To adopt this Resolution of support for the Central American integration process, notably the strengthening of PARLACEN, given the conviction of women parliamentarians that the integration of Central America's peoples and institutions is the sole means of meeting contemporary challenges and ensuring a decent future for the populations concerned.



**MEETING OF THE EXECUTIVE COMMITTEE OF THE NETWORK
OF WOMEN PARLIAMENTARIANS OF THE AMERICAS**

**San Juan, Puerto Rico
September 24, 2004**

**RESOLUTION REGARDING THE GRANTING OF VISAS
TO PARLIAMENTARIANS VISITING THE UNITED STATES**

WHEREAS

- 1) The meetings held by the various committees of COPA and the Network of Women Parliamentarians of the Americas are of key importance in facilitating the sharing of ideas aimed at improving the quality of life for inhabitants of the Americas and the Caribbean;
- 2) All Network and COPA members have the legitimate right to attend all Network and COPA meetings, regardless of their location;

WE RECOGNIZE THAT

- 1) Each country has the power and the right to grant or refuse access to whomever it wishes;
- 2) Network and COPA members have been denied the authorization to attend meetings for not having obtained a U.S. visa;

IT IS HEREBY RESOLVED

That the Executive Committee of the Network ask COPA, in accordance with the wishes of participants at this event, to submit an official written request to the U.S. State Department asking it to grant, under some form of diplomatic immunity, visas to elected members of a Parliament or Legislative Assembly wishing to enter the United States to attend an official meeting of COPA, the Network of Women Parliamentarians of the Americas, or any committee of either of these organizations.



***Does the Free Trade Area of the Americas (FTAA)
Take Women into Account?***

***Some Reflections on the Democratic Roles and Responsibilities
Of Québec Parliamentarians***

***By LUCIE LAMARCHE
Professor at the Université du Québec à Montréal***

***Presentation given at
the National Assembly of Québec***

***At the invitation of the Québec Section of the
Network of Women Parliamentarians of the Americas***

Quebec City, May 20, 2004

The question of representative democracy leaves me quite perplexed at a time when, according to accepted wisdom, States have been pulverized by the combined impact of globalization and economic integration, which have constrained them to a form of global structural adjustment whose outlines and repercussions lie outside their control. In this context, as the consensus would have it, citizens are thrust from local space into international space, without any State intermediation.

In all probability, the Free Trade Area of the Americas (FTAA) will come into being in 2005.¹ The FTAA will be more than a mere trade agreement. As with the WTO, it will propose a form of supranational governance of markets. Some important questions necessarily arise as trade agreements are concluded at an ever faster rate and, with this, the appropriate institutions are created: Who determines the temporal and spatial development of the phenomenon of economic integration? States? Lobbies? Negotiators? Who is entitled to a say in the matter? What impacts does the acceleration of the phenomenon of hemispheric and global economic integration have on the daily life of the most vulnerable groups—including women—among the populations concerned?

Given the sheer scope of these questions, the temptation is to simply throw in the towel. States would appear to have become hollow shells, or rubber stamps of trade policies that have been shaped outside the halls of parliamentary and participatory democracy.² On the contrary, a closer look at the text of trade agreements provides convincing evidence that States play much more than an accessory role.

This being said, the heavy fog surrounding trade negotiations has yet to conceal the far-reaching transformations our societies have been undergoing as part of the integration process. For economic integration entails much more than trade. It is an ideology founded on an economic theory whose underlying assumptions must be approached with care. The case of the FTAA is particularly telling in that regard. It is true that at this time, the negotiations have stalled.

¹ For additional information about the negotiations process in the Americas, visit the official FTAA website at: http://www.ftaa-alca.org/alca_e.asp. To follow world trade trends on a weekly basis, visit: Red Latinoamericana de Política Comercial at: <http://www.latn.org.ar/>.

² See, for example, Stephen Clarkson, *Uncle Sam and Us: Globalization, Neoconservatism, and the Canadian State*, Toronto, University of Toronto Press, 2002.

Whereas Canada and other countries want a comprehensive agreement that would impose a single set of common free trade rules governing goods, services and investments, some countries, Brazil in particular, have been working toward building what analysts call an expanded “NAFTA Lite.”³ This approach was approved by the Trade Ministers of the Americas at their meeting in Miami in November 2003;⁴ in essence, it tends to promote an economic synergy blending a multilateral core with several bilateral agreements negotiated according to the interest of the various partners involved.

It is important to note that even now, the Americas are home to an abundance of bilateral trade agreements negotiated between countries or between blocs of countries. Canada is no stranger to this phenomenon: It recently concluded trade agreements with Chile and Costa Rica and is about to sign similar agreements with four Central American countries.⁵ Further, bilateral treaties covering investments have been concluded between the United States and other countries of the Americas at a steadily faster pace.⁶ In short, regardless of the ultimate fate of the FTAA and the definitive form assumed by this agreement, Québec has unequivocally entered the era of the economic integration of the Americas. By the same token, this observation conveys some notion of the distance separating MNAs from the process that has brought us to this point.

Against this backdrop, I propose a three-stage reflection consisting in: first, an examination of the relationship binding States to the new governance stemming from trade agreements; second, a few comments about the democratic and parliamentary process in this period of trade agreements; third and finally, a call to parliamentary oversight in response to a too oft-ignored observation: women are affected differently, as compared to men, by the new economy and the

³ Globe and Mail, November 19, 2003, “‘FTAA lite’ seen as deal-breaker,” online at:

<http://www.globeandmail.com/servlet/story/RTGAM.20031118.wxtrad1119/BNStory/Business>.

⁴ See: Dorval Brunelle, Observatoire des Amériques, *Les suites de la huitième rencontre ministérielle de Miami et les négociations de la ZLEA: échec ou repli stratégique?* Chronique 03-27, November 2003, online at: www.ameriques.uqam.ca.

⁵ See: Canada - Central America Four Free Trade Agreement Negotiations at: <http://www.dfait-maeci.gc.ca/tna-nac/ca4-fr.asp>.

⁶ See: Regional and Bilateral Trade and Investment Agreements, Remarks at the Chatham House Conference Sustainable Development in the WTO. Trade, Investment and Environment after Cancun, *The Royal Institute of International Affairs, February 23-24, 2004*, Konrad von Moltke, Senior Fellow, International Institute for Sustainable Development (IISD), online at: <http://www.riia.org/pdf/conferences/Moltke.pdf>

structural impacts of these agreements. Thus, in answer to the question raised in the title of this presentation, there are indeed grounds for taking women into account in the FTAA process.

Supranational Governance, Business Rights and Trade Agreements

To begin with, I would like to emphasize a particular phenomenon affecting the core responsibilities of States, now on the eve of the FTAA, and that is the “paralyzing effect” of such agreements.

For it is true that trade agreements are ascribed not only economic attributes but also ideological properties. Namely, it is claimed that on account of the trade agreements ratified by or adhered to by a State, the latter is henceforth forbidden from imposing on the foreign suppliers or investors that may or may not be present on its territory those standards and regulations that it deems the most appropriate for promoting the interests of its citizens.⁷ According to this ideology, labour law, environmental law, public services, and control over foreign investments, to take these most frequently cited examples, would all disappear out the window. However, according to the usual wording of trade agreements, this assertion is inaccurate. The State customarily agrees to guarantee foreign suppliers and investors the same treatment it reserves for local businesses—and to prohibit or refrain from any direct or concealed discrimination. Moreover, this guarantee will apply only to the industry, business or service sectors that this same State has chosen to bring within the scope of free trade agreements. Finally, a State may reserve the exclusive delivery of certain services to government authorities. National Treatment status, the form given foreign business rights, thus applies only in cases where the State relinquishes the public character of a service or a role and chooses to liberalize a given sector of activities. To put the matter succinctly, when a State exercises its prerogatives, it does not simply expropriate the rights of a foreign company.⁸

⁷ See, for example, NAFTA Chapter 11 to Date: the Progress of a Work in Progress”, IISD, *NAFTA Chapter 11 Conference*, organized by the Centre for Trade Policy and Law, Carleton University, January 18, 2002, in collaboration with DFAIT, online at: <http://www.carleton.ca/ctpl/conferences.htm>

⁸ Lucie Lamarche and Rémi Bachand, *La protection et la promotion des droits des travailleuses québécoises à l'heure de la prolifération des accords commerciaux: le besoin de clarifier les causes de menaces potentielles afin d'orienter l'action* - Recherche, Conseil du statut de la femme, Government of Québec, October 2003, online at: <http://www.csf.gouv.qc.ca/fr/publications/?F=affichage&ma=20&choix=2&s=4>.

While trade agreements do not usurp the State's roles and responsibilities, they admittedly require of States a high degree of transparency, predictability and accountability with respect to legislative and regulatory action. A foreign business accorded National Treatment status should know exactly what to expect when it invests in Québec. In this connection, the literature makes a distinction between simple regulations and complex regulations. By way of example, the minimum wage is determined according to what is referred to as a simple (or primary) standard. On the other hand, the rules pertaining to pay equity belong to the second category, since where pay equity is concerned, a foreign company that employs Québec women workers is unable, from the outset of its activities, to exactly determine the nature of its commitment. Thus it is not inaccurate either to state that however refined Québec's government apparatus may be, it is, like others, subject to particular pressures stemming from trade agreements and the rights of foreign investors.

In short, trade agreements do not demand that the State "roll over and play dead." Rather, they require the State to actively and continually do better, or else see its vulnerability increase as the trend toward liberalization grows stronger. Ultimately, this situation requires of us that we reflect on the end purpose of the numerous standards created by the State. Normally, they stem from the need to protect and promote a certain common good. Moreover, they are often adopted for the purpose of rebalancing, within society, the social and economic relationships between its most affluent and most disadvantaged members.

Is the Process of Hemispheric Commercial Integration an "Expert System" that Has Escaped the Control of Democracy?

I am certain that each week, MNAs are contacted by dozens of citizens who, in addition to voicing their hopes and needs, use this opportunity to confide their innermost insecurities, in the words and images they are most familiar with. They talk about jobs that are difficult to come by and keep, an environment that continues to deteriorate, the credit they do not have access to, the family income they are unable to get by on, the natural resources that have been growing steadily scarcer, the difficulty of being a farmer, artist or truck driver, or about other people's culture they feel has become all-pervasive. All in all, they talk about the things that are vital to their well-being: health, education, security, identity, community and family. They talk about such

concerns because they believe in the mission of the State and because they view their MNA as the individual they have chosen to take action bearing on their personal destiny.

How are we to come to terms with a process that seemingly occurs at such a remove from us but that every day affects the people closest to us—namely, those for whom the benefits of parliamentary democracy were intended? Is the hemispheric commercial integration process an “expert system” that has escaped our control?

Québec is not opposed to opening its trade. More than ever, it is open to the world. But has it not also been drawn into an accelerated integration process that jeopardizes its values and the best interest of its citizens? How are we to preserve what is best in Québec, or safeguard its distinct character in this context? How can we see to it that Québec, historically a staunch defender and promoter of social and collective rights,⁹ is able to take part in determining a pace of integration that is mindful of its values, existing standards and collective well-being?

These questions inevitably lead us to examine how democracy factors into the economic integration equation. We must also effectively grasp the vital importance for Québec of raising this issue in the context of the Americas, home to several young, as-yet fragile democracies but also home to extreme inequalities, vulnerability, various kinds of violence, and asymmetric development.

In other words, if MNAs reflect on the role they have to play in Québec, they cannot help but observe that they are in an excellent position to develop healthy democratic practices in this time of the integration of the Americas. Obviously, any such efforts must, to begin with, work to the benefit of their constituents. But it is just as clear that other countries of the Americas will be a source of demand for any expertise thus developed, as is shown by the continuing existence of COPA (Parliamentarian Confederation of the Americas).¹⁰

⁹ A number of these rights are, moreover, enshrined in the Québec *Charter of Human Rights and Freedoms* (sec. 39 and after).

¹⁰ See: <http://www.copa.qc.ca/>

This vital reflection process requires, first of all, that MNAs continually bear in mind that trade agreements neither overwhelm the State nor devalue its critical roles and responsibilities. This being said, there is a real possibility that, in the thick of the agreement negotiation process, participating teams of experts will be tempted to give short shrift to the requirements of democracy, which is the primary responsibility of the States they represent. Thus, in my opinion, MNAs will have to act on four fronts on a daily basis:

- Request the creation of vehicles of information that set out, in layman's terms, the issues of the agreement being negotiated without, however, compromising the bargaining strategy per se. That way, the trade negotiation teams, which often favour contact with the ministries qualified as being natural partners, could also serve as educators to parliamentarians. On this point, the fact that Québec does not enjoy the last word does not, in my view, constitute a decisive factor, for trade agreements do not alter or impinge upon Québec's jurisdictions;
- Request that any potential trade engagements be evaluated in light of the other international engagements Québec has entered into. Some fields are particularly sensitive to a stipulation of this kind: culture, the environment and, of course, human rights and women's rights;
- Plan periods for informing and consulting citizens. Civil society groups interested in the issues of globalization have also spawned their "information have-nots" whom MNAs have an easier time of reaching in their riding;
- Finally, demand a parliamentary debate before the government adheres to a commercial agreement or accepts the ultimate terms of such an agreement. In short, the issue of Québec's international trade engagements must be referred to the National Assembly because such agreements are of direct concern to citizens and not merely the balance of trade or the abstract, total volume of jobs and investments.¹¹

These recommendations, which, admittedly, are nothing if unoriginal, are also revolutionary when viewed in another light. In a recent study that I conducted on behalf of Status of Women Canada and that concerns the national regulations pertaining to employment equity and trade agreements, I discovered that both subjects are the subject of airtight ministerial and

¹¹ In this respect, the adoption in 2002 of the *Act to amend the Act respecting the Ministère des Relations internationales and other legislative provisions*, R.S.Q. 2002, c. 8, constitutes an example of best democratic practices.

administrative silo-ing.¹² For example, in the federal government, no one has ever asked him- or herself whether foreign corporations having the status of employers in Canada could at some point contest employment equity requirements on the basis of certain rights accorded them under trade agreements. It thus stands that an analysis of the impact of trade agreements on local regulations is a critical democratic prerequisite. For, in each locality of Québec and Canada, such regulations entitle individuals to varying protections, standards and services in respect of education, health, childcare centres, the environment, social services, and much more. Québec is justifiably proud of its status as a democratic constitutional State. But is not human dignity the main thrust of a project of this kind? Now, as has been demonstrated, trade agreements have the unfortunate habit of endangering natural persons and glorifying legal persons! By itself, this observation provides sufficient justification for requiring the FTAA to take women into account.

Women and the Globalization of Trade

As economies liberalize, the vulnerability of women increases. Beneath such reassuring observations concerning an overall increase in the number of female jobs, for example, lies a darker reality—namely, the *commodification* of women. For each public protection or safeguard that is cut back or cut out, there is a woman whose domestic labour increases, sight unseen, among her close family and her community. The new economy also imperils women's job security. In such new forms of women's labour as telework, self-employment or caregiving, it increases the distance between the work performed and the protection afforded under labour legislation. The privatization of public services—said to be an outgrowth of globalization, an assertion that remains to be proven—makes the economy's demand on impoverished women yet more exacting. Generally speaking, women do not have the means to “consume” [in] the new service economy, including the essential services. For each role and responsibility that the State abdicates in favour of the market—irreversibly in some cases—women emerge upon the scene to fill in the cracks wherever the foundations of this market prove to be shaky, and they also bear the brunt of the concomitant forms of exclusion.

¹² Status of Women Canada, *Sauvegarder les mesures d'équité en emploi à l'heure des accords commerciaux*, Lucie Lamarche, in collaboration with Rémi Bachand, Aurélie Arnaud and Rachel Chagnon. 100 pp., forthcoming, 2004.

At their meeting in Venezuela in November 2003, the members of the Network of Women Parliamentarians of the Americas reached similar conclusions in a discussion paper developed to analyze the impact of FTAA on women.¹³ As well, their findings mirrored those contained in an important document adopted by the ECLAC (Economic Commission for Latin America and the Caribbean) regional conference on women in Lima in 2000.¹⁴ Likewise, at a meeting of the Inter-American Women's Committee of the Organization of American States (CIM-April 2004), the CIM reiterated the importance of scrutinizing the impact of trade agreements on poverty and the democratic empowerment of women.¹⁵

It is critical to recognize that despite the asymmetries characterizing the Americas, the exclusion, poverty and burdens experienced by women as the result of economic liberalization also affect the lives of Québec women. In that connection, I should like to refer you to the opinion put forward by the Québec Conseil du statut de la femme in April 2001 entitled *Les Québécoises, la globalisation et la Zone de libre-échange des Amériques: une première réflexion*¹⁶ as well as the Recommendations of the National Assembly Committee on Institutions contained in a report adopted in December 2000.¹⁷ In response to the Committee's report, the Conseil proposed that the Government of Québec should closely monitor the liberalization of trade in services from the perspective of preserving and promoting the right of Québec women to equality. Women enter the globalization process under conditions of adversity. Merely increasing the total volume of jobs available to them, including in Québec, does not add up to an overall improvement of their living conditions.

¹³ See: IV Annual Meeting of the Network of Women Parliamentarians of the Americas, Caracas, Venezuela, November 24, 2003, Recommendation on the impact of the Free Trade Area of the Americas on Women and accompanying discussion paper at:
<http://www.copa.qc.ca/Anglais/Femmesang/Recommandations/Caracas%202003/Recommandation%20FTA A.html>

¹⁴ See: ECLAC, VIII Regional Conference on Women in Latin America and the Caribbean, Lima Consensus.

¹⁵ *Trade Liberalization, Gender and Development: What are the Issues and How Can We Think About Them?* (CIM/REMIM-II/doc.4/04)

¹⁶ See: <http://www.csf.gouv.qc.ca/telechargement/publications/AvisQuebecoisesMondialisationZoneLibre Echange.pdf> April 2001.

¹⁷ National Assembly of Québec, Committee on Institutions, *Le Québec et la Zone de libre-échange the Americas: Effets politiques et socioéconomiques*, Report, December 2000, online at:
<http://www.assnat.qc.ca/archives-36leg1se/fra/Publications/rapports/rapci1.htm>

Across Québec, women need education and healthcare services, childcare and employment centres. To achieve equality, they depend on decent living conditions embracing housing, the environment, transportation, and so on. For each of these indicators, women have been posting losses—across the board, though with variations. In other words, they are affected by the phenomenon of economic liberalization differently than are men.¹⁸

Québec cannot dispense with factoring women into the FTAA process. The Québec State has maintained beneficial relations with Québec women that are the envy of women in Canada and many other areas of the globe. Whenever Québec-wide policies are debated, it has become the norm to provide the viewpoint of Québec women a hearing. How then might an issue as important as that of the inclusion of Québec into the new integrated economic space of the Americas possibly alter this equation?

On the contrary, the standard of equality, a fundamental right in Québec, requires that the State perform a gender-based analysis of the impact of the FTAA. Québec has already perfected a reliable gender-based analytical tool for use with its policies.¹⁹ The government should thus expand the scope of application to include trade agreements and the future FTAA while also submitting its commercial engagements to the standard of gender equality as promoted under the *Québec Charter of Human Rights and Freedoms*.

This being said, gender-based analysis presupposes a relationship of proximity with women citizens if the objective is to obtain meaningful results. The reality of Québec women is multifarious: They may be wage-earners, businesswomen, small business owners, social assistance recipients, unemployed, tenants, applicants to adapted healthcare or vocational education programs, and so on. In the present time, they may also be involuntarily self-employed or, to an ever increasing degree, natural caregivers. They are, moreover, increasingly less well

¹⁸ See, for example: Government of Québec, Conseil du statut de la femme, *Travail atypique cherche normes équitables Synthèse* – Information document, April 2000, No. 200-03-I, 20 pp., online at: <http://www.csf.gouv.qc.ca/fr/publications/?F=affichage&ma=20&choix=1&s=41>

¹⁹ See: Government of Québec, Conseil du statut de la femme (2001). *Pour aller plus loin: une évaluation du cadre d'analyse développé par le ministère des Finances du Québec sur l'analyse différenciée selon les sexes*, Avis, 34 pp. and Government of Québec, Secrétariat à la condition féminine (2001). *Plan stratégique 2001-2004* of the Secrétariat à la condition féminine, Quebec City, Government of Québec, 26 pp.

off on the whole. Québec women are also immigrants, refugees—all those whom globalization has rather unceremoniously taken advantage of.

It is not enough to say that trade increases the overall number of jobs, for it also augments the vulnerability of women. All international and regional institutions with a focus on this set of issues have said so. The FTAA is a matter of concern not only to Latin American women, it is a matter of concern to Québec women too. And where the latter are concerned, they stand to benefit from a democratic examination of the validity for Québec of signing on to trade agreements, including the FTAA. How are they are to be assured as to the outcome of this process unless they can avail themselves of the primary democratic forum promoted by a constitutional State—namely, the Assembly of parliamentarians?

That is why, in all respects, the certitudes of trade negotiators are simply unable to measure up against the yardstick of women's needs and rights.

Québec Women's Equality and Trade: In Quest of Best Parliamentary Practices

A *sine qua non* of democracy and equality is the gender-based analysis of the impact of draft trade agreements on national regulations and the underlying framework legislation. Accordingly, parliaments, or the National Assembly, must be provided the tools that will enable elected representatives to raise, at the appropriate forums, well-focused questions on the impact of the FTAA, not forgetting, however, that trade agreements will not whittle away at the prerogative of public authority merely on the strength of being signed or coming into force. Not a ministry, not a negotiating team should be exempted from this requirement.

Québec women need the State. Post-war history and, even more so, the last 30 years, have forcefully shown this to be so. Parliamentarians must democratically oppose any adherence by Québec to a commercial engagement whose effect is to surrender women's security to the rule of the marketplace. On this score, the recent history of Latin America is particularly instructive.

My remarks do not constitute an indictment of trade agreements. It is not my intention to challenge the justifications given for opening borders to trade. Protectionism has generated so

many conflicts that it has become a concept no less deserving of our suspicion. What is more, the developing countries do not want to restrain trade but to facilitate it. At the same time, however, they aspire to a form of trade that is both fair and mindful of their capacities, their culture and the needs of their citizens. Was it ever really conceivable that similar concerns would not arise in the developed countries?

Instead, I wish to defend the cause of democracy, transparency and gender equality. Obviously, this is a process that will require time, attention and courage to succeed. It will require yet more analyses, documents and discussions, yet more committees, institutions and compromises. The cause of democracy demands a slowdown of globalization, both temporally and spatially. There is nothing for it: There is no such thing as globalized citizens, unless the transnational companies are considered citizens. That may very well be, but unless I'm mistaken, they haven't yet had the audacity to claim the right to dignity and identity! Citizens live in cities and towns, which form the cores of their sense of security and identity. MNAs are the democratic conduits of human spaces. They are the sounding boards for their constituents whenever the latter voice their needs. In these times of globalization, the citizens of the Americas expect from democratic nations such as Québec to be able to share in the best practices of parliamentary democracy.

One such practice is particularly self-evident: furthering the access of women to the role of parliamentarian and making available to women the appropriate information tools bearing on the phenomenon of globalization and, in particular, economic liberalization. There is no disguising the fact that, as a rule, international trade is a man's world! Here again, in respect of studies of the impact of trade agreements, the best gender-based analytical practices will work to the benefit of the women parliamentarians of the Americas, provided that Québec's female elected representatives acquire the means with which to share such practices.

However, reflection must extend farther than the need to achieve a more equitable gender balance in parliamentary representation. Regional forums, such as APEC (Asia Pacific Economic Cooperation Forum), for example, offer several avenues worth further exploring. The APEC has developed a valuable online directory of gender-focused initiatives (called the Gender Focal Point Network), which it makes available to a variety of groups: businesswomen, decision-

makers and parliamentarians. These initiatives are alike in aiming to disclose the “gender” dimension of regional economic policies.²⁰ The annual reports bearing on such policies also make a point of integrating gender. Throughout Québec and the hemisphere, shouldn’t women parliamentarians be stressing the value of this input?

However, the quest for best democratic practices serving to preserve human rights and women’s equal rights must also be followed up on at the Québec-wide level. At this point, I should like to direct my remarks to four main avenues of future action:

- **Gender mainstreaming:** Québec adopted the *Act to amend the Act respecting the Ministère des Relations internationales and other legislative provisions*,²¹ which prescribes submitting for approval by the National Assembly the international engagements of Québec in respect of certain treaties, including those relating to international trade or human rights. Shouldn’t some thought be given to coupling this democratic procedure of Québec’s with the systematic monitoring of the potential impact on women’s rights of the commercial engagements to which Québec wishes to adhere? This process should be placed under the auspices of the National Assembly and its committees or institutions;
- **The supremacy of women’s rights over trade:** In Québec, the supremacy of the rule of law is governed by, among other things, the Québec *Charter of human rights and freedoms*. This fundamental instrument was not only based on the major human rights treaties adopted by the United Nations during the 1970s (called Covenants²²), but has also often referred to these covenants for the purposes of interpreting its own provisions (for example, in the case of women’s right to equality, the Québec Tribunal des droits de la personne (Human Rights Tribunal) draws on the guiding principles set out in the CEDAW²³). It is the National Assembly’s duty to ensure that each time Québec adheres to a regional or international trade agreement, the latter is accompanied by at least one

²⁰ See S. Hassalani, *Commerce international: Intégration des considérations liées à l’égalité entre les sexes dans le processus d’élaboration des politiques*, Status of Women Canada, December 2000.

²¹ See above, note 11.

²² The *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*.

²³ United Nations *Convention on the Elimination of All Forms of Discrimination Against Women*.

declaration of interpretation asserting that Québec shall be bound only by the interpretations of this trade agreement that are consistent with Québec's human rights commitments;

- **The consultation of women within the framework of efforts to add sectors to the list of those covered by trade agreements:** The list of sectors currently excluded from the application of international trade rules is by no means definitive. On the other hand, several exclusions are vital to promoting the right of Québec women to equality. Thus, in my opinion, oversight mechanisms must be developed so as to monitor the expansion of liberalized sectors or the withdrawal of exceptions. Women must take part in outlining negotiation strategies in accordance with this concern and must, as well, be given the opportunity to voice their opinion about any annexed schedules, interpretative notes and exclusion lists. So that women may flesh out this new "area of authority," they must be provided the support of the Québec State. Conversely, so that the institutions of the National Assembly may profit from any such analyses, they must be apprised of the findings of consultations on women's concerns prior to approving Québec commercial engagements;
- **Gender-based analysis (GBA) and the revision of interministerial practices respecting international trade:** The practice of GBA should be extended to Québec's international trade engagements. Before committing to such engagements, the National Assembly could require the demonstration that each ministry (and not only those described as the natural partners to international trade) has been called on to assess the impact of the proposed engagement on women.

Conclusion

The title of this presentation contains a double-headed question. To begin with, I believe I have demonstrated that the economic integration process of the Americas has not yet taken women into account, although it is urgent to do so. Secondly, I have examined the issue of the responsibility of parliamentarians in this area.

I have attempted to go beyond the level of principles with a view to venturing a response to the second component of this problematics. Toward that end, I have referred to certain observations:

a correlation between the hermetic character of trade negotiations and the ensuing democratic deficit; the difficulty that women and parliamentarians alike have encountered in gaining timely access to information on trade negotiations; and, finally, the situations of *fait accompli*, whereby parliaments are placed before the conclusions of negotiations and are thus divested of the control they used to exercise over regional or international trade agreement processes. All in all, these observations show up not only the democratic deficit so often referred to by members of civil society but also the mounting risk posed by this deficit from the perspective of women.

Remedying this serious problem compels devising not only educational solutions, intended for parliamentarians and women both, but also institutional solutions. I have just explored some of these with you. All such solutions presuppose the determination of elected representatives to take action. On the other hand, no woman dedicated to the cause of democracy can afford, in this era of global governance, to entertain doubts about any such determination so directed. For female citizens do not inhabit virtual spaces, nor does their right to equality amount to some rhetorical luxury. Accordingly, it is the National Assembly's responsibility, first and foremost, to provide substance to this fundamental right, which has made for increasingly intricate equations.

Lucie Lamarche
Université du Québec à Montréal
June 18, 2004



MEETING OF THE EXECUTIVE COMMITTEE OF THE NETWORK OF WOMEN PARLIAMENTARIANS OF THE AMERICAS

Brasilia, Brazil, March 24, 2004

REPORT OF PROCEEDINGS

The meeting of the Executive Committee of the Network of Women Parliamentarians of the Americas, chaired by Ms. Ileana Rogel, Representative of El Salvador, was attended by eleven of the fifteen representatives elected¹ at the IVth Annual Meeting, and by some twenty observers from about ten different countries, and took place in Brasilia, Brazil, on March 24, 2004.

Ms. Maria José Maninha, President of the Parliamentary Confederation of the Americas (COPA) and host of the Executive Committee meeting, officially opened the proceedings of this V Meeting of the Network Executive Committee. She reaffirmed the importance of the Network of Women Parliamentarians of the Americas as a forum for dialogue on women's issues, and particularly emphasized the Network's deliberations focusing on the challenges of the Free Trade Area of the Americas (FTAA) and its potential impacts on women. Ms. Maninha also recalled that these important deliberations contribute to the reflection process of the Parliamentary Confederation of the Americas (COPA) on these aspects.

Following the opening presentation, the elected representatives of the Executive Committee presented the most recent initiatives relating to women's rights and the legislative measures proposed or adopted in their respective parliaments. The representatives also made an assessment of their actions to foster the implementation of the main elements of the plan of action adopted at the previous meeting of the Executive Committee in Isla Margarita, Venezuela, in February 2003.

The representatives then examined and discussed each component of a more detailed plan of action through which to set priorities for the year 2004-2005. In addition, discussions were held to clarify the respective roles of the members of the Executive Committee and of the Secretariat. After discussion, Ms. Graciela De Leo, representative of the Southern Cone, proposed the adoption of the detailed action plan, which was unanimously approved.

¹ Absent:
the *regional representative of the Caribbean*, Ms. Velda Gonzalez de Modestti, Vice-president of the Senate of Puerto Rico;
the *regional representative of the Caribbean*, Ms. Elsa Rojas Hernández, Member of the National Assembly of Peoples' Power of Cuba;
the *regional representative of Central America*, Ms. Antonietta Botto Handal de Fernández, Member of the National Congress of Honduras;
the *regional representative of the Central American Parliament*, Ms. Nidia Díaz, member for El Salvador in the Central American Parliament.

As proposed in the detailed plan of action, rapporteurs were designated for each of the thematic areas prioritized by the Network, and which will be the subject of a progress report at the Annual Meeting. The main responsibility for a theme will be in the hands of the rapporteur, who may however benefit from the support of other members of the Executive Committee, as well as of the staff of her Assembly for the drafting of the report and in seeking supplementary information. Ms. Fatima Houda-Pepin, representative of the founding Assembly of the Network and host of the Secretariat, was designated as rapporteur for the theme "Women and the Free Trade Area of the Americas". Ms. Albertina Urbina Zelaya, representative of the Central America region, was designated rapporteur for the theme "Gender Budgets".

Following this, the Executive Committee decided to create a Financing Committee. This Committee's membership included the President of the Network, and one elected representative from each of the states where a COPA secretariat is located, namely Brazil, Mexico and Québec. Thus, Ms. Fatima Houda-Pepin, of the National Assembly of Québec, and Ms. Lucero Saldana Perez, of the Chamber of Senators of Mexico, were de facto representatives on the Financing Committee. The four representatives of Brazil will agree among themselves as to who will take on these duties. The Financing Committee must ensure coordination and strategic planning of the financing campaign in addition to representing the Network to financial backers. It was also determined that the Committee should define all the criteria governing the soliciting of funds.

The members of the Executive Committee then examined a document setting out the details concerning the participation of the Network in seminars, events and meetings of other organizations. The addition of a paragraph to the study document was proposed and the document was then unanimously approved.

The President informed the Executive Committee that the representative of the Caribbean Region, Ms. Velda Gonzalez de Modestti, had formulated a proposal, to be presented to the Committee, regarding the holding of a seminar. However, as this project could not be discussed in her absence, it was agreed that she should be sent the new rules of procedure adopted concerning the Network's participation in events, and should be asked to submit a written proposal in accordance with this new set of regulations, for later examination and decision.

The representatives then discussed the rules of procedure for the election of members of the Executive Committee of the Network of Women Parliamentarians of the Americas. A new voting system was unanimously approved. From now on, as stipulated in the text:

- The President shall be elected by all women parliamentarians present at the Annual Meeting.
- The representatives of each of the five major regions shall be elected only by the women parliamentarians from the same region who are present at the Annual Meeting, and taking into account the principle of diversity within that region.
- The representatives of the regional parliaments and interparliamentary organizations shall be elected by all the women parliamentarians representing interparliamentary organizations and regional parliaments, and who are present at the Annual Meeting.
- The representatives shall be elected by secret ballot.

The rules of procedure concerning the choice of themes, the development of documents and the passing of recommendations by the Network of Women Parliamentarians of the Americas were unanimously approved.

The choice of the theme “The impact of migrations on women in the context of hemispheric integration” for the workshop at the next Annual Meeting was confirmed. A preparatory discussion paper was distributed to the members so that they might contribute to its enrichment through the viewpoints specific to their respective sub-regions. In addition, Ms. Alice Portugal, Member of the Legislative Assembly of the State of Bahia, Brazil, will act as rapporteur on the theme of the Annual Meeting. In collaboration with the Network Secretariat, Ms. Portugal will organize a workshop in the form of a panel, which will present the viewpoints of each sub-region of the Americas concerning the set of themes chosen.

Finally, the representatives adopted a resolution concerning the 10th Anniversary of the Beijing Conference. Through this resolution, the members of the Executive Committee undertake to monitor the commitments of their respective states concerning the implementation of the Beijing Platform for Action, and to promote the adoption, within their respective legislative assemblies, regional parliaments and interparliamentary organizations, of legislation taking into consideration the recommendations arising out of the deliberations at the world conferences on women. They also recommend that decisions concerning the time, place and form of a Fifth Conference on Women be examined by the United Nations Commission on the Status of Women.

The deliberations of the Meeting of the Executive Committee of the Network of Women Parliamentarians led to the consolidation of the organization, thus enabling it to better open itself toward the world, to strengthen its actions and to stand as a beacon in support of women parliamentarians of the hemisphere.



**MEETING OF THE EXECUTIVE COMMITTEE OF THE
NETWORK OF WOMEN PARLIAMENTARIANS OF THE AMERICAS**

Brasilia, Brazil, March 24, 2004

Resolution on the 10th Anniversary of the Conference of Beijing

CONSIDERING that during the special session of the United Nations General Assembly on Beijing +5, the 189 governments agreed “to assess regularly further implementation of the Beijing Platform for Action with a view to bringing together all parties involved in 2005 to assess progress and consider new initiatives, as appropriate, ten years after the adoption of the Beijing Platform for Action and twenty years after the adoption of the Nairobi Forward-looking Strategies for the Advancement of Women”;

CONSIDERING the importance of underlining the 10th Anniversary of the Beijing World Conference on Women which heralded a new chapter in the struggle for equality between the sexes and whose Platform for Action general objective was to introduce a non-sexist perspective in the 12 areas where serious problems persist and proposed implementing monitoring mechanisms into place in order to keep track of what is projected to be accomplished;

CONSIDERING that holding a Fifth World Conference on Women in 2005, also called the Beijing +10 Conference, along with a parallel NGO forum, gives rise to many debates within the various international women’s organizations, given the current political context, which has, in particular, been characterized by a rise in fundamentalism and the spread of armed conflicts;

We, the members of the Executive Committee of the Network of Women Parliamentarians of the Americas hereby:

PLEDGE to pursue our activities within our legislative assemblies, regional parliaments and interparliamentary organizations, as well as in our respective societies, with the objective of promoting and defending the rights of women;

PLEDGE to perform a follow-up on the commitments of our respective States concerning the implementation of the Beijing Platform of Action and to promote, within our legislative assemblies, regional parliaments and interparliamentary organizations, the adoption of legislation that takes into consideration the recommendations stemming from the work of World Conferences on Women;

SUBSCRIBE fully to the conclusions of the 47th session of the Commission on the Status of Women held in March 2003, according to which a Fifth Conference on Women should be held before 2010, but not in 2005;

RECOMMEND that exact timing of the said Conference and the form it should take must be studied, in particular in light of the evaluation to be made of Beijing +10 by the United Nations Commission on the Status of Women at its regular session in 2005 and of regional commentaries, and while also keeping the general political climate in mind.