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**Gender equality in the age of governing for the mainstream**

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\* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

This paper begins with some general remarks concerning the nature and roles of different mechanisms to promote gender equality and their inter-relationships, particularly in light of changing roles of the state. It then provides a more detailed analysis of constraints to the promotion of gender equality that have become significant over the past decade in a number of countries, including the new public management, a women's movement in abeyance, a highly vocal men's rights movement and the dominance of new public discourses that sideline issues of gender equality. It concludes that one of the most pressing challenges is to find the right language to contest the influence of market populism and its depiction of equality as an elite agenda.

## **1. National mechanisms**

### *1.1 Mechanisms within government*

In thinking about how gender equality may be advanced within government there has been much emphasis on the *location* of gender units. It is usually economic policy that has the most direct impact on women's lives and it is often argued that institutional mechanisms to promote gender equality should be centrally located within policy co-ordination agencies where they will be able to monitor all policy for gender impact, including economic policy. Such co-ordination agencies might be a central planning body, a prime minister or president's office or department, or a cabinet office.

The *authority* behind gender units is also crucial. Only the imprimatur of the head of government is likely to be sufficient to overturn entrenched norms and enable new cross-government approaches. The backing of the head of government and location in their office or portfolio is often the only way to ensure access to top-level decision-making. However, because of the role of the head of government in chairing cabinet, it has been found useful to have another cabinet minister assisting the prime minister on the status of women, who can be less constrained in their advocacy.

Such considerations of the importance of location and authority lie behind the relevant part of the Beijing Platform for Action (para. 201) recommending location of national machineries at the highest possible level in government.

In federal systems the central location of gender units is also important for the purpose of having access to and input into the process of intergovernmental decision-making. The devolution of areas of responsibility to another level of government, without stipulations of gender outcomes, may result in hard-fought gains being lost in areas such as women's services. Access to forums where the federal division of powers is being renegotiated is important, as is a co-ordinating role in relation to intergovernmental meetings of ministers and officials responsible for the status of women.

A self-standing ministry within government may have advantages in terms of greater visibility and 'ownership' by women in the community. Its policy clout will, however be very dependent on the status of its minister. Another alternative, often preferred by governments is to hive off gender units to social welfare or similar areas of government.

While location in a program delivery department may mean access to budgetary resources for services, it is difficult to undertake from such a location the role of supporting and acting as a catalyst in gender mainstreaming across government, as envisaged by the Beijing Platform for Action and other international documents:

*Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policy or programs, in all areas and at all levels. It is a strategy of making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres, so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality (ECOSOC 1997/2).*

There is no one answer to the optimal design of gender mechanisms within government. While central location can ensure access to cabinet submissions from across government there can also be disadvantages in terms of links to women in the community. Central location means a heavy premium on policy expertise and confidentiality, rather than the kind of outreach and budgetary resources associated with program delivery. Often women in the community will not feel any 'ownership' of processes of gender monitoring and gender audit conducted by gender specialists in the recesses of government.

In Australia there was more 'ownership' of the insider model of women's policy machinery than in many countries. It was an influential women's NGO (Women's Electoral Lobby) that promoted the advantages of central location in the early 1970s and drew up the wheel model subsequently adopted at national and sub-national levels of government. The wheel was constituted by a hub at the centre of government and spokes in line departments. However the central location and effectiveness of women's policy machinery depended heavily on both political will and on the creation of supplementary outreach bodies to create a political base for such machinery among women in the community. The best policy outcomes for women have been achieved where there has been a combination of strong pressure from women's organisations outside government and seizing of opportunities by femocrats inside government. Consultative bodies (1.3) have sometimes helped ensure that pressure came at the right time.

With the discursive changes of the 1990s discussed below (2.4), the political will to allow disaggregated gender analysis of major government policy directions, particularly economic directions, tended to disappear. Gender units were moved out of their central locations into program delivery departments and whole-of-government co-ordinating functions such as the preparation of women's budget statements were lost. This process has been completed at the national level this year with the relegation of the Office of the Status of Women from the Department of Prime Minister and Cabinet to the Department of Family and Community Services. The spokes of the wheel had already been lost and the renamed Office for Women has now been placed where it can have no routine access to Cabinet submissions from across government.

The usual excuse for the relegation and/or dismantling of gender analysis units is that the responsibility for gender analysis is being mainstreamed (see 2.5 below). While responsibility allegedly inheres in all policy officers, in fact it is nobody's job and no capacity building or training has been provided for the purpose of fostering gender expertise (Donaghy 2005). This runs quite contrary to the Beijing Plus Five Outcome Document adopted by the UN General Assembly in 2000, which stressed the complementarity of gender mainstreaming and special activities targeting women. The femocrat who headed the federal Office of the Status of Women at the height of its power and influence has recently published a book entitled *The End of Equality* (Summers 2003), which perhaps says it all.

### 1.2 *Arms-length statutory bodies and commissions*

The advantages of statutory bodies such as human rights agencies is their relative independence from government and their public voice, creating the potential to bring pressure on government from outside. A recent example of this in Australia has been the high-profile campaign for paid maternity leave by the Commonwealth Sex Discrimination Commissioner. While mechanisms within government were unable to promote this issue, the statutory independence of the Sex Discrimination Commissioner (and her media skills) and the creation of alliances with bodies such as the Australian Council of Trade Unions helped build momentum. The outcome was not paid maternity leave in a form meeting ILO Convention 183 standards but a compromise in the form of a universal maternity payment. Thanks to the rise of populist discourse (see 2.4) paid maternity leave for women in the workforce was seen by government as discriminating against women who were full-time homemakers.

National human rights institutions are one step removed from majoritarian or populist influences on government, but they also have outreach in the community arising from their community education and complaint-handling functions. The downside also derives from their status as bodies outside government—their lack of access to confidential government processes and hence inability to provide advice before governments have invested political capital in new proposals.

One source of leverage for human rights and equal opportunity commissions is their linkages to international bodies and responsibilities under international human rights instruments to which governments have acceded (although see 1.4 below). In terms of promoting gender equality the leverage of human rights agencies would be significantly enhanced if they had *de facto* independent status as meetings of the UN Commission on the Status of Women (CSW) rather than having to function as part of government delegations. In other words, human rights agencies need *de facto* status at CSW similar to what they enjoy at meetings of the UN Human Rights Commission. This would reflect both their significant role in advancing gender equality and their arms-length relationship with government.

### 1.3 *Advisory and consultative bodies*

A third type of national mechanisms are advisory and consultative bodies, which often prepare the way for the establishment of agencies inside and outside government to

advance gender equality. Often they are also able to commission and promote research on issues of concern to women in the community, which might be too politically sensitive to be commissioned directly from within government.

Advisory and consultative bodies can also play an important role in protecting women's policy machinery inside government by:

- including representatives from a broad political spectrum;
- providing an interface between gender units and NGOs;
- promoting broader community understanding of the value of gender units;
- acting as a public voice for policy concerns;
- deflecting anti-feminist backlash away from policy work inside government.

The disadvantages associated with advisory and consultative bodies have included:

- confusion between advisory and policy roles;
- the resource intensive nature of servicing the work of such bodies;
- attempts from within government to control their agendas;
- use of such bodies as a one-way rather than two-way channel of communication.

#### *1.4 NGOs*

An *alternative* to advisory or consultative bodies is the provision of operational funding to support community-based peak bodies and the networking of non-government organisations (NGOs) in the women's sector. This enables the participation of NGOs in national policy processes in addition to their activities at the local level. It requires government commitment to the idea of 'critical partnership', whereby the provision of government resources is not contingent on NGOs refraining from criticism of government policies. There needs to be acceptance of the functions of NGOs in representing to government the perspectives and experiences of groups whose lives are significantly impacted by government policy, including sole parents, refugee women, lesbians and women with disabilities.

One topical issue is the more effective use of information technology to facilitate the interface between gender units and women in the community. While NGO websites include links to government gender units, this is rarely reciprocated by government websites. The latter are also notable for the absence of interactive components whereby women in the community can convey their views to government—apart from 'customer' surveys on the actual design of the website!

Unfortunately over the past decade in Australia there has been increased government distrust of the representational functions of NGOs and the defunding of those seen to be representing constituencies outside the mainstream and/or critical of government (Maddison et al 2004). At the international level the Australian government has reacted sharply to criticisms by UN human rights committees based on NGO reports. In September 2000 the Australian Foreign Minister told the UN General Assembly that treaty committees were losing credibility because they were too accepting of NGO

submissions and did not pay sufficient attention to the views of democratically elected governments. This confirmed the views expressed in a joint ministerial press release on 29 August 2000 announcing a review of Australia's participation in the UN human rights system and stating the need to ensure the primary role of governments and the subordinate role of NGOs (Joint Media Release FA97, 2000). These views gave little recognition to the vital role played by NGOs in the UN human rights monitoring system nor the lack of interest on the part of democratically elected governments in exposing their own human rights breaches.

### *1.5 Parliamentary bodies*

Sometimes overlooked in the past has been the role of parliamentary bodies in the promotion of gender equality and the empowerment of women. Standing committees on women's rights or equal opportunities, such as found in European and many other parliaments, have played a significant part in agenda setting on equality issues or in 'equality proofing' of legislative proposals. Australia has lacked such standing committees on equal opportunity but has had select committee enquiries as well as enquiry references given to other standing committees. For example, at the federal level a 1992 report by a Legal and Constitutional Affairs Committee, *Half Way to Equal*, was a milestone in the strengthening of sex discrimination and equal opportunity legislation. In Sweden all parliamentary enquiries have a mandate to examine gender implications of proposals.

Women's caucuses within parliament or within parliamentary parties may also have a significant role in gender mainstreaming and in identifying the gender implications of policy. While in some parts of the world such caucuses bring together women from different parties, in Australia, New Zealand and Canada they occur within particular parliamentary parties. For example, in Australia the Labor Party's Status of Women Committee (which can be attended both by parliamentarians and staffers) has been meeting weekly during parliamentary sitting weeks since 1981. By contrast the conservative parties lack such a body and their women MPs are less likely to act collectively to raise gender issues.

Standing committees on equal opportunity and women's caucuses provide a mandate for gender-focused work. They have an important role to play in raising awareness of gender issues at the parliamentary level and ensuring gender perspectives are represented in public debate. They can provide significant forums for NGOs and academic experts to provide evidence on gender impact of policy and may enhance the work of gender equality mechanisms within government. Women's caucuses may perform a capacity-building role for women parliamentarians as well providing them with a collective voice.

International parliamentary bodies, such as the Inter-Parliamentary Union (IPU) and the Commonwealth Parliamentary Association have also played a supportive role in gender mainstreaming, as has the International Institute for Democracy and Electoral Assistance (IDEA) in Stockholm. Beyond promoting and monitoring strategies to increase the presence of women in parliament, such bodies look at how women parliamentarians may become more effective in representing the views of women in the community. They also promote partnerships over CEDAW implementation and reporting. The handbook on

CEDAW for parliamentarians, prepared by the UN and the IPU, highlights good practices in relation to parliamentary involvement. In The Netherlands, for example, the government is legally obliged to report to parliament every four years on CEDAW implementation before the periodic report is submitted. The government is also required to present the concluding comments of the CEDAW Committee to parliament (UN, 2003: 66).

The different roles played in gender mainstreaming by national mechanisms within government, national human rights institutions, advisory and consultative bodies, NGOs, parliamentary and regional bodies relate in part to the changing nature of governance and the changing role of the state. Where once the state may have played a central role in provision of social infrastructure, its role in direct service provision may now be reduced, raising new issues of gender accountability. Bodies outside executive government may become more important, as well as partnerships and synergies between bodies inside and outside government. Such partnerships must not be at the expense of qualities such as independence and separation of powers, which make such partnerships fruitful in the first place.

## **2. Constraints over the past decade**

Constraints over the decade since the Beijing Conference may be summarised as:

- importation of private sector models of governance into the public sector;
- decreased visibility of the women's movement;
- 'backlash' against perceived gains by women;
- discursive shifts resulting in the displacement of gender equality issues.

Because of the overarching importance of the shifts in discourse, which have made issues of gender inequality harder to see, this will be the constraint given most attention in this section.

### *2.1 The New Public Management*

A significant structural constraint for mechanisms to advance gender equality arises from the nature of the new public management (NPM) in many countries—the introduction into the public sector of techniques of private sector corporate governance. The consequences have included the devaluation of 'in-house' policy expertise of all kinds, including gender expertise, in favour of management skills and contracting out. Without gender expertise it is difficult to evaluate policy at source for gender impact or to audit the gender outcomes of government activity. Accountability through performance agreements between chief executive officers and ministers, without independent and expert scrutiny, is unlikely to be effective.

Along with contracting out has come increased volatility of bureaucratic structures and a continuous change environment. Within this environment it is difficult to sustain the structures needed for long-term projects such as advancing gender equality and there is a continuing loss of corporate memory. Moreover, within the commercial product format

and outcomes focus associated with NPM there is a devaluing of process, including the kind of consultative policy processes required for the empowerment of women.

Another problem arising from NPM is the introduction of compulsory competitive tendering processes in all areas of service provision. The tendering process makes little room for policy advocacy and community education functions associated with second-wave women's services, let alone the kind of democratic structures intended to achieve women's empowerment. NPM is also at odds with the organisational philosophy of services provided from within government, such as the women's information services that exist in all Australian jurisdictions. The women's information services have let women talk until they reach the real question that is of concern to them, rather than trying to reach preset quantitative targets,

### *2.2 Decreased visibility of the women's movement*

In many Western countries the women's movement is much less visible as an oppositional force than it was 20 years ago. There are many debates over why this is so—including the natural cycles of social movements, shifts in the political opportunity structure, the 'institutionalisation' of the women's movement or its diversification and fragmentation. Some believe the women's movement is in 'abeyance', either hibernating in 'abeyance structures' (Bagguley 2002) or forsaking public protest for less visible forms of contention within the whole spectrum of government, non-government and civil society institutions. The latter can in turn be interpreted as a sign of social movement 'success' or, on the other hand, of incorporation and co-option.

Either way, International Women's Day and Reclaim the Night marches no longer attract big crowds of women. Women's studies programs and research centres with links to women's NGOs have often been replaced by 'gender studies' that tend to lack a comparable community base. In Australia, feminist 'women's pages' in the mainstream press have been scrapped<sup>1</sup> and regular feminist programs on public radio have been axed (although they continue on community stations). For whatever reason, the men's rights movement (see 2.3) has been much more successful in mobilising letter-writing campaigns and lobbying on issues such as child support than today's women's movement.

### *2.3 Backlash politics*

The so-called backlash against the women's movement has also been identified in many countries, both East and West. It is associated with the men's rights movement that seeks to roll back changes in gender relations that followed from second-wave feminism. Men's rights groups proliferated in the 1990s with names such as 'Dads Against Discrimination' (Australia, Canada and the USA), the Men's Rights Agency (Australia) or Men's Equalization Inc. (Canada). They believe that feminists have captured state power and are responsible for policies and legislation that victimise men (Kaye and Tolmie, 1998). Particular sources of resentment include child support formulae applied to

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<sup>1</sup> For example, the 'Accent' Page in the *Age* and 'Corporate Woman' in the *Australian Financial Review*. The 'Coming Out Show' on Radio National had a devoted following for 25 years before its demise.



non-custodial parents, equal opportunity legislation and domestic violence programs that focus on men as perpetrators. In general men's rights groups view policies that have made it easier for women to leave unhappy or violent relationships and/ to compete on a more equal basis in the paid work force as undermining the authority of men inside and outside the family. Small steps towards greater gender equity in public policy are vastly exaggerated in the eyes of those who believe they are the new victims of feminist elites and gender bias in the state. In some Western countries the rise in political influence of fundamentalist Christian churches has reinforced the anti-feminist backlash.

While the men's rights movement depicts equal opportunity policies as a form of discrimination against men, there are also anti-feminist women's groups that depict equal opportunity as discrimination against women who choose to be economically dependent on men. The discourse of anti-feminist women's groups ties in nicely with the market populist discourse discussed in the next section because it frames equal opportunity measures and paid community services as wasteful as well as discriminatory. Paid maternity leave, subsidised childcare or re-entry allowances and training programs are all framed as wasteful as well as a form of discrimination against women who have chosen to be homemakers. Tax systems based on the individual are also depicted as discriminating against two-parent single-income families: instead family unit taxation is favoured that would impose high rates of tax on second earners. Anti-discrimination legislation is opposed on the ground that private employers, with the incentive of the profit motive will make wiser choices than 'equal opportunity bureaucrats whose salaries are paid by taxpayers' (Sawer, 2005).

#### *2.4 Discursive shifts*

One of the greatest constraints posed to national mechanisms in the English-speaking countries over the last decade has been the rise of market populism and the framing of gender equality initiatives as part of an elite agenda and/or 'special interest pleading'. I shall use the term market populism here rather than 'neo-liberalism' in order to focus on the semantic structure of this new public discourse (for more detail see Sawer and Hindess 2004).

The market populism that now constrains the terms and structures of public policy in English-speaking countries has at least two clearly identifiable elements;

- neo-conservative discourse discrediting the welfare state as the domain of 'new class elites';
- public choice discourse unmasking all public interest or social justice advocacy as motivated by rent-seeking and self-interest.

The neo-conservative discourse of 'new-class elites' was an adaptation of a Trotskyist idea originally applied to cognitive elites in the Soviet bloc. In the USA neo-conservative writers applied it to university graduates, radicalised by the social movements of the 1960s. They form a 'class' by virtue of their cultural capital, which fits them for employment in public sector agencies and means they have a class interest in maximising

redistribution. They speak a language of public interest and equal opportunity that masks a class interest in expanding the public sector and regulating business.

The new class is associated with values such as feminism, environmentalism, multiculturalism and minority rights more generally, but these are depicted as ‘fashions’, or a form of moral vanity rather than having any authentic ethical content. They serve to distinguish the elite from ordinary people and are given the label of ‘political correctness’. This construction was reinforced by depicting new class elites as having contempt for the values of ordinary people.

The new class is said to sneer at, have contempt for, look down on or wince at the values of ordinary people—although no empirical evidence is ever provided of such behaviour. Feminists, particularly those in government, are depicted as having contempt for ordinary women. The idea of contempt is necessary to discredit the values being upheld by the new class—who would want someone contemptuous of them spending their taxes? It should be observed that unlike the business and financial elites of yesteryear, the new class elite is characteristically made up of teachers, social workers, librarians and public servants. In other words they don’t have to be well-paid—just well-educated and with a set of environmental and human rights values perceived to be at odds with business interests.

Another major source of the language of contemporary market populism is public choice theory, developed in the United States from the 1960s. Public choice theory did not appropriate, as had the neo-conservatives, the quasi-Marxist idea of a class defined by ownership of cultural capital. The public choice school is neo-liberal rather than neo-conservative. It takes over the idea of the utility maximising individual from neoclassical economics and applies it systematically to all collective and institutional behaviour.

Public choice analyses set out to demonstrate that all those purporting to pursue the public interest, such as women’s advocacy groups and other NGOs, are really ‘special interests’ seeking to maximise their returns. The term ‘welfare state’ is replaced by the concept of the ‘over-loaded state’, the outcome of a cosy conspiracy between special interests and budget-maximising bureaucrats. This frame was popularised worldwide by a disciple of Milton Friedman in the brilliant series ‘Yes, Minister’. It has also been heavily promoted by free-market think-tanks in the English-speaking democracies, with their ready access to the mass media owned by Rupert Murdoch and Conrad Black (now Canwest).

Market populist discourse with its simple ‘us and them’ frame has been a powerful means of displacing attention from increasing economic inequalities and the injuries of class, gender and race. To draw attention to such injuries is seen as special pleading that will perpetuate privileged welfare state jobs on the one hand and dependency on the other, all at the expense of ordinary taxpayers. Sole parents, for example, are seeking better rents through the state than they can achieve either through marriage or the market. Public choice theory also places its own twist on the concept of ‘gender mainstreaming’, as has been analysed in the New Zealand context by Kathy Teghtsoonian. While gender

mainstreaming generally involves improved consultation with women over policy and programs, the New Zealand State Service Commission was warning policy managers against ‘capture’ of policy by the community: ‘Ministers...’ will not thank policy analysts for advocating sectoral interests’ (quoted in Teghtsoonian 2004: 274).

### *2.5 Market populism meets gender mainstreaming*

Since 1995 Australians have heard much about the need to ‘govern for the mainstream’ and to ignore the new class and their associated special interests. In part this has meant pushing back the jurisprudence developed during the 1970s, which acknowledged the need to accommodate difference in order to promote equality. Same treatment could simply compound disadvantage, as seen in organizations designed for a normative male employee without caring responsibilities. Equal treatment meant something more than same treatment.

In the 1990s policies to accommodate difference were relabelled by market populists as ‘special treatment of special interests’ —equality was once again to mean treating everybody the same, regardless of impact of such treatment on groups who differed in significant respects from the norm. Even the auditing of policies and programs for disparate impact became viewed as a form of ‘special treatment’.

Of course domestic and international courts and tribunals still recognise the concepts of indirect and systemic discrimination and the injustice of policies or requirements that have disparate impact on particular groups, where this impact is disproportional to any demonstrated benefit from the policies. But the market populist framing of recourse to the courts or international tribunals is that new class elites are unable to accept the verdict of democratic majorities as reflected in policies restricting human rights of asylum seekers, limiting the rights of Indigenous minorities or dismantling policies and programs promoting equal opportunity for other groups.

The new international language of gender mainstreaming has been used to legitimate the dismantling of units with expertise in promoting equal opportunity for women and designated groups (see Bacchi and Eveline 2003: 100). At the federal level in Australia governing for the mainstream meant abolishing longstanding gender analysis units such as the Women’s Bureau in the employment portfolio, dating from 1963 but disappearing in 1997. More recent gender analysis units also disappeared, ranging from the Office of Indigenous Women through the Social Security Women’s Policy Unit, the Equal Opportunity Bureau, the Migrant Women’s Advisor, the Equal Pay Unit and the Work and Family Unit.

Governing for the mainstream has also meant abolishing the Aboriginal and Torres Strait Islander Commission and removing the Office of Multicultural Affairs from the Department of Prime Minister and Cabinet. There is to be no more ‘special treatment for special interests.’ As already mentioned, the Office of the Status of Women followed suit in 2004. Gender disaggregated data on government performance is more difficult to obtain and gender expertise increasingly rare in government. Statistics on issues such as the distribution of unpaid work and the prevalence of family-friendly provisions in

industrial agreements is increasingly out-of-date, while changes have been made to child support formulae without any prior modelling of the effects on sole parent poverty.

What are the implications of this analysis for future strategies? First, it is essential to acknowledge the significance of shifts in public discourse and their implications for gender policy. It is crucial to acknowledge the power of language in shaping the world and determining what problems can actually be seen and what is rendered invisible. In 1999 Status of Women Canada did exactly this, funding a round of research grants on shifts in public policy discourse to anticipate their effects on gender issues.

The discourse of market populism creates a world in which gender equality is depicted as an elite project serving special interests. Equality seekers are discredited as part of a rent-seeking elite wanting to live off other people's taxes. The denunciation of 'liberal' elites distracts attention from the actual rise in economic and social inequalities associated with deregulation and globalisation.

But while public discourse has shifted on one direction in the English-speaking countries, it did not do so unaided. It involved a great deal of concerted effort on the part of think tanks that packaged and sold this new way of looking at the world, and the broadcast and print media that disseminated it on a daily basis.

Alternative ways of looking at the world still thrive on the internet and in multilateral institutions, but they need packaging and popularising in the ways that have brought market populism to the fore. Australian gender equality experts are to be found in exile in multilateral organisations or in the national mechanisms of other countries, where their expertise is not wasted. But we need to ensure that gender equality discourses are not only institutionalised at the international level but that new vectors are found for them at national and sub-national levels. A new way has to be found to contest dominant discourses that sideline equity issues. The strengthening of regional and international networks is one part of this. Finding the right language to contest the seemingly irresistible tug of populism is another. It is a key challenge for the next decade.

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