

The Role of the International Community and International Instruments

Overview of the Session

This session assessed the role and effectiveness of the international community and international instruments in lobbying for and implementing quotas. It examined CEDAW from the standpoint of a lobbying and accountability mechanism, and looked at how the Inter-Parliamentary Union (IPU), the EU and the European Women's Lobby (EWL) are working towards ensuring gender equality in their own structures and programmes.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Ms. Hanna Beate Schöpp-Schilling overviewed the gender equality instruments that are available through CEDAW provisions and CEDAW Committee procedures.

CEDAW is the most important convention for women. It forbids discrimination and demands that states parties introduce all appropriate measures to achieve full equality for women. States are obliged not to discriminate against women vis-à-vis their representation in public and political life at the local, national and regional level. One hundred and seventy-eight states have ratified the accord. Its legal status differs from country to country. For instance, in Germany, it is legally binding under national law, whereas in common law countries like the Republic of Ireland and the United Kingdom, it serves as a policymaking guideline.

Schöpp-Schilling emphasized the importance of using the Convention's 'temporary special measures' terminology rather than the 'positive discrimination' and 'positive action' concepts, which have an entirely different meaning under international law.

The term 'temporary' refers to the functional result of applying special measures and not to a predetermined passage of time. Schöpp-Schilling also clarified

the relationship between CEDAW and the Beijing Platform for Action. Under the Convention, states are legally obliged to satisfy the terms of the provisions. The Platform for Action, by contrast, is not legally binding, but as an action program aims to fulfil the norms of the Convention by setting concrete steps and goals in the Platform's 18 areas of concern, which can be linked to the articles of the Convention. In other words, CEDAW is the legal basis for implementation of the Platform for Action.

The CEDAW Committee is a 23-member body of independent experts. Since 1982, it has monitored treaty implementation through its reporting procedure. It has found that treaty implementation is slow and not complete in most countries, though some progress can be seen. The application of quotas within the temporary special measures framework arises from the human

rights obligations of the countries that have ratified the Convention. Two additional procedures have been used since 2001 under the Option of Protocol: the Enquiry Procedure; and the Complaint Procedure. It is worth considering how the Enquiry Procedure under the Option of Protocol could be used to launch an investigation into the systematic under-representation of women in public and political life.

"The application of quotas as the most interventionist form of temporary special measures could be seen as the most appropriate and necessary strategy directed at the acceleration of the achievement of substantive equality".

Both governments and NGOs in Europe have the opportunity to use the Committee's reporting obligations and enquiry procedures to evaluate progress made and to monitor further implementation of CEDAW provisions.

- ▶ CEDAW forbids direct and indirect discrimination of intent and of effect.
- ▶ CEDAW recognises the concepts of formal and substantive equality. Substantive equality warrants differentiated treatment for biological reasons, maternity protection, or corrective purposes when women have to be 'moved up' by temporary special measures.
- ▶ CEDAW obligates states parties not only to embody the principles of non-discrimination and equality in their constitutions and laws but also to pursue them in practice and to realize them immediately, regardless of whether financial resources are available.
- ▶ CEDAW obliges states parties to eliminate sexual stereotypes in the social and cultural spheres.

Inter-Parliamentary Union

Ms. Kareen Jabre outlined some of the gender equality strategies of another international-level actor: the IPU. The IPU is the world organization of parliaments; more

than 140 national parliaments are members. The belief that democracy requires the balanced participation of men and women guides IPU policies. Therefore, quotas are often necessary and useful, not as a goal in themselves but as a tool to promote the participation of women in politics. To improve and facilitate the input of women, a series of additional measures, including the training of women candidates and MPs, as well as the development of a gender-sensitive environment in parliament, need to accompany quotas.

The IPU actively promotes women's participation within its own structures. In 1947, only 1.2 percent of the delegates to the IPU's 36th Conference were women, whereas in 2004 the percentage reached 29 percent. A strong women's group exists within the IPU, and in 1997, a Gender Partnership Group consisting of two men and two women members of the IPU Executive Committee was created with the purpose of ensuring that the IPU's bodies and policies are responsive to the needs of both men and women. The group began by looking at women's participation at IPU meetings. After three years of study and consultations, the Group concluded that quotas were necessary instruments. Upon its recommendations, IPU Members adopted temporary special measures to ensure women's participation in its three main internal structures: the Executive Committee; the Governing Council; and the IPU Assembly.

There is a 20 percent quota for women in the Executive Committee of the IPU. As for its Governing Council, each IPU Member is entitled to be represented by three members of parliament (each having one vote) provided that, among the three, there is one man and one woman. Failure to comply will result in the 'downsizing' of the delegation to two members and thus the loss of one vote. In the IPU Assembly, if a country sends a single-sex delegation to three consecutive assemblies, its right to vote will be restricted and its delegation size reduced. Sanctions were first applied by the IPU at its 2004 conference. Among the five countries sanctioned were three with no women in parliament. The other two countries had women in parliament, but never sent any of them to IPU meetings. At the session following the 2004 conference, these two countries' delegations were composed of both men and women. IPU also actively lobbies its member parliaments to ensure that women are present among the representatives sent to IPU events.

With regard to its external activities, the IPU works

to promote women's representation by supporting the collection and sharing of information, ideas and experiences. It also provides assistance to parliaments and performs targeted activities at the national level, including in Burundi, Djibouti and Rwanda. For example, the IPU offered institutional support to women parliamentarians in the Rwandan Transitional National Assembly. The IPU extends assistance to candidates and parliamentarians because "accompanying measures are necessary to provide capacity for those who are going to benefit from the quota".

European Union

Ms. Agnes Hubert overviewed some of the dynamics pertaining to gender equality issues at the EU level. She argued that, initially, the European Economic Community (which preceded the EU) had little—if no—competence with respect to gender equality issues and strategies to increase women's representation. In the last 20 years, however, there has been noticeable progress due to external pressure of women's groups and the internal work of the 'femocrats'. As a result, the number of women MEPs increased from 19 percent in 1994 to 30 percent in 2004. Additionally, fears that the EU enlargement process would decrease women's representation in the EU parliament did not prove real. The European Commission has also witnessed a rise in the number of women in its ranks: in 1994, there was only one woman commissioner, whereas in 2004, eight of the 25 commissioners were women (the first two women commissioners were appointed in 1988).

Hubert noted that quotas have not been particularly popular in the EU and have been the subject of numerous debates and challenges. The 'worst attack of patriarchy' was the Kalanke versus Freie Hansestadt Bremen case in the European Court of Justice, which sought to limit 'positive action' to 'a little bit of training and childcare'. The intervention of the European Court of Justice provoked a strong reaction from women's lobbies and women inside EU institutions. In 2002, a revised Directive on the Equal Treatment of Men and Women in the Labour Market was adopted, which became the basic text for positive action.

The EU has been greatly helped by steps taken by the Council of Europe to recognise the link between gender equality and democracy. In 1988, the

Council of Europe triggered a conceptual shift in the gender equality debate by introducing the concept of 'parity democracy'. It was not until November 1992, though, that the EU debate on this concept got under way at a summit in Athens, Greece, transforming the quantitative claim for more women in politics into a debate on the quality of democracy. The declaration signed in Athens openly stated that "equality of women and men imposed parity in the representation and the administration of Nations". In recent years, two trends have ambiguously marked the evolution of gender equality in the EU: First, the streamlining of administrations and the ensuing melding together of all the motives of discrimination, including sex, has shaken the unique stand of gender equality as a progressive EU policy, running the risk of slowing down further progress and of missing out on the specific situation of women of minority groups (ethnic, cultural, religious etc.); Second, while the concept of gender mainstreaming (incorporating a gender perspective in all appropriate policies and programs) could become a tremendous asset for policy-making, it is a delicate and double-edged tool, which can justify administrative backlash if a proper knowledge of what gender equality stands for is not developed. The forthcoming European Gender Institute is a very welcome addition in this respect.

European Women's Lobby

Ms. Cécile Gréboval presented an overview of the EWL's efforts to promote gender equality at the EU level. The EWL is a large non-governmental body with 3,500 member organizations. It works for gender equality at the European level and full realization of women's human rights. Since 2002, an explicit goal has been the achievement of parity democracy based on the 'duality of humanity'. The EWL connects with and coordinates, on the one hand, national women's organizations in 25 EU Member States, including ten of the new EU Member States and accession countries and, on the other hand 20 European and international women's organizations. It seeks to make them aware of, and active in, relevant developments at the European level. Additionally, it actively lobbies EU institutions on a variety of gender equality issues, such as women's under-representation in EU structures.

There is no binding gender equality measure within EU institutions, despite numerous recommendations existing on paper.

There is a serious under-representation problem within EU governing bodies, which has important consequences for the agenda-setting process and policy outcomes. For instance, in the European Parliament, women hold only 15 percent of committee chairs. Within EU institutions, there are substantial differences among member states, with some countries nominating significantly less women than others.

Prior to the 2004 European Parliament elections, the EWL launched a campaign to increase the number of women MEPs. It prepared a lobbying toolkit for member organizations, which included gender equality arguments, statistical information, constitutional and other legal instruments and questionnaires for political parties. The EWL also lobbies the European Commission. Gréboval concluded by stressing the importance of an integrated approach to all forms of structural discrimination. The Beijing+10 review provides an opportunity for progress evaluation and future planning. A new strategy could address discrimination in internal party rules and make party funding conditional on the elimination of discrimination.

Discussions from the floor

The discussion focused on the effectiveness of international instruments and how they can be used to push for gender equality and to lobby for electoral quotas. Participants appraised the popularity, applicability and implementation of CEDAW, as it applies at the international level. CEDAW situates gender equality within the framework of inalienable human rights, so that failure to comply cannot be excused by the deficiencies of the political system and a lack of economic resources. Certainly, CEDAW has been criticized for being a loosely framed document. Yet, it is a powerful instrument when it is applied to the legal, political and cultural level. Although the Convention is equally relevant to different country contexts, implementation differs significantly among countries. In Germany, there is no reference to CEDAW in national legislation. In Central and Eastern Europe, there is no understanding on the part of governments of the nature of indirect structural discrimination and substantive equality, and inadequate efforts have been made on de facto implementation beyond legal ratification.

It was suggested that the monitoring mechanism

that CEDAW uses under its reporting procedure is of great importance. The regular country reviews often attract media attention and authorities are held to account, publicly, for the progress they have—or have not—achieved.

Participants also discussed the language and scope of temporary special measures. A variety of instruments fall into the temporary special measures category, with quotas being the best, and ‘enabling conditions’ the worst, examples of an interventionist tool. The CEDAW Committee has related the ‘temporariness’ of special measures to real changes and results in the long term, rather than to a particular period of time. Temporary special measures should not necessarily be considered redundant once a certain amount of progress has been made, as happened in Denmark. Until cultural and structural discrimination is eliminated and permanent gender equality policies take its place, temporary special measures will remain necessary.

The issues of a ‘critical mass’ and the minimum number of women in politics needed before women can make a difference in relation to policymaking and decision-making were raised. The EWL and the IPU focus on gender parity, whereas the generally accepted numerical target in the UN is 30 percent. It was noted that both quantitative and qualitative claims regarding women’s representation are important.

Other international instruments were highlighted, including the National Democratic Institute (NDI)’s ‘Win with Women’ initiative and its Global Action Plan, involving 40 prominent political leaders from 22 countries. The Win with Women initiative relies on these ‘giant’ women to promote a series of recommendations among political parties worldwide on how to become more representative and inclusive by increasing the number of women in party structures and leadership positions. The next step in the Global Action Plan involves the creation of a global LISTSERV and knowledge network website, which will pool practical experiences, resources and debates from all over the world.

It was noted that, at the European level, attempts have been made to use gender mainstreaming to challenge the existence of the Women’s Rights Committee in the European Parliament. The Council of Europe, another European Institution, was specifically established to support democracy throughout Europe. Its conventions and peer review mechanisms

offer a bolder framework for monitoring the quality of democracy. The Council of Europe could play a particularly useful role in Southeast Europe.

Finally, attention was drawn to another strategy that focuses on political parties. IDEA has long been interested in the public funding of political parties and how public funding could help to democratise parties and elevate them to the ranks of responsible public institutions. The new Statute on European Political Parties links the decision to give funding to parties to their compliance with the statute and tasks the European Parliament with overseeing the implementation process. Although it does not address women’s representation, it is a possible future means of relating the funding of political parties to gender equality.

The Role of UN CEDAW and its Monitoring Procedures for Achieving Gender Equality in Political Representation

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Introduction

A discussion on the application of quota systems to achieve and maintain gender balance in public and political life must be positioned in a human rights framework. The most important and legally binding international human rights instrument in this respect is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).¹ Since 1982, its implementation has been monitored by the CEDAW Committee, comprising 23 independent experts.² Due to its composition and mandate, this body is different from inter-governmental organizations at the United Nations (UN), such as the Commission on the Status of Women, the Commission on Human Rights or the Sub-Commission on the Promotion and Protection of Human Rights, which, in their work over the past few decades, have also examined the issue of temporary special measures and sometimes recommended the utilization of quota systems.

The following remarks will concentrate on the Convention, the General Recommendations and Concluding Comments of the CEDAW Committee, as well as on some aspects of the Beijing Platform for Action, which constitute a human rights framework for the application of quota systems to guarantee the political participation of women.³

The Convention

CEDAW is the most important human rights treaty for women. The Convention's states parties are legally obliged, firstly, to eliminate all forms of discrimination against women in all areas of life, and, secondly, to ensure women's full development and advancement in order that they can exercise and enjoy their human rights and fundamental freedoms in the same way as men. Thirdly, a state party must allow the CEDAW Committee to scrutinize its efforts to implement the treaty, by reporting to the body at regular intervals.⁴

The Convention currently has 180 states parties.⁵ Thus, the vast majority of the member states of the UN (more than 90 percent⁶) has voluntarily agreed to respect, protect, promote and fulfil the human rights of women under all circumstances—unless they made known their reservations about certain articles on depositing their instruments of ratification.⁷

In 1999, the General Assembly adopted an Optional Protocol to the Convention, thereby allowing for a communication and an inquiry procedure to be added to the list of monitoring systems.⁸ The Optional Protocol currently has 69 states parties.⁹

Articles 7 and 8 of CEDAW explicitly cover the right of women to non-discrimination in a country's public and political spheres, as well as their right to equality with men with regard to the following: the right to vote; the right to be eligible for election to all publicly elected bodies; the right to participate in the formulation of government policy and its implementation; the right to hold public office and to perform all public functions at all levels of government; the right to participate in non-governmental organizations (NGOs) and associations concerned with the public and political life of the country; and the right to represent the national government at the international level and to participate in the work of international organizations.¹⁰ In addition, the preamble of the Convention links the 'full and complete development of a country, the welfare of the world and the cause of peace' with the need for the 'maximum participation of women on equal terms with men in all fields', implicitly including the public and political realms.

In order to fully understand Articles 7 and 8, one must read them in conjunction with the agreement's so-called Framework Articles (1–5 and 24). These contain obligations with respect to conduct and results for states parties as regards their actions (legislation, policies and programmes) to empower women and engender cultural change. Thus, states parties are obliged:

- to eliminate direct and indirect discrimination;
- to implement the concepts of both formal equality and substantive or de facto equality;
- to embody the principles of equality and non-discrimination in their constitutions and laws; to pursue the realization of these principles in practice by taking appropriate measures against persons, organizations and enterprises that discriminate against women; and to protect women from

discrimination both through legal proscriptions, including sanctions, and competent national tribunals and other public institutions;

- to act without delay (and without considering financial resources);
- to undertake all appropriate measures to ensure the full development and advancement of women in all fields; and
- to modify and eliminate social and cultural patterns based on prejudice, customary and traditional practices, sex-role stereotypes and the alleged inferiority or superiority of either of the sexes.

The concept of substantive equality takes into account the facts concerning, and the consequences of, biological differences between women and men, as well as socially constructed differences as regards the roles and tasks that have been ascribed to them; thus, the Convention also forbids discrimination based on gender.¹¹ Substantive equality allows for non-identical treatment of women (as compared to men) both for reasons of protection (maternity functions) and correction (acceleration of the achievement of de facto equality). Such action, according to Article 4 of CEDAW, is not discriminatory. To achieve substantive equality women must be granted not merely formal equal opportunities but also a truly equal start, plus an enabling environment in which they can attain equality of results. These aspects, as well as the obligations outlined above, must be kept in mind when trying to achieve substantive equality with men in public and political life.

Relevance of the Beijing Platform for Action and the Outcome Document of Beijing+5

The Beijing Platform for Action is the most ambitious action plan to empower women and to eliminate discrimination against them. Since 1995, many governments have attempted to implement the Platform as a whole or in parts. National and international NGOs have been monitoring these efforts. It must be recalled, however, that the platform, as compared to the Convention, is not a legally binding document. Nonetheless, it can be argued that the Platform's 12 areas of concern and its recommendations can be linked to various articles of the Convention. In fact, the Platform spells out in detail the steps that need to be taken in order to satisfy the legal obligations of the Convention. Consequently, the goals and actions spelt

out in area 'G' of the Platform—'women in power and decision-making'—correspond with Articles 1, 2, 3, 4 (1), 5, 7, 8, 9, 10, 14 and 24 of the Convention. Although there is no explicit reference to the concept of quota systems, the aims of 'gender balance' and having the 'same proportion' of both sexes in, for example, governmental bodies, administrative entities and elective and non-elective public positions are set out and the application of 'positive action'¹² to achieve them is suggested.¹³ The focus is on governments, political parties, non-governmental organizations and the UN system itself.

Five years later, however, only incremental progress can be seen. The Outcome Document of the Beijing+5 conference in 2000 summarizes achievements regarding the full participation of women in decision-making and power positions at all levels and in all forums made through 'affirmative action and positive action policies, including quota systems or voluntary agreements ... and measurable goals and targets'. It also refers to the enabling conditions (training programmes, and programmes to reconcile family duties with work responsibilities) that facilitate such accomplishments. The document, though, concludes that, despite the progress made in some countries, 'the actual participation of women at the highest levels of national and international decision-making has not significantly changed since ... 1995'.¹⁴

General Recommendations of the CEDAW Committee

Of importance for the discussion on quota systems to increase the participation of women in public and political life are the General Recommendations 5, 8, 23 and 25 of the CEDAW Committee. General Recommendations/General Comments, as formulated by UN treaty bodies, are interpretations of an accord to assist states parties in implementing their obligations.¹⁵ General Recommendations 5 and 8 of 1988 are important due to the fact that the instrument of temporary special measures, including quota systems, was suggested at such an early stage of the Committee's work.¹⁶

General Recommendation 23 of 1997 explicitly deals with Articles 7 and 8. It echoes relevant paragraphs of the Beijing Platform for Action and points to the historical and structural causes of discrimination against women in public and political life.¹⁷ It lists a number of requirements and obligations that states parties have to fulfil. A specific paragraph, which must be read in conjunction with these commitments, is devoted to the justification for, and the application of, temporary special measures. These

requirements and obligations include: special recruiting efforts; financial assistance for women and the training of women candidates; amending electoral procedures; campaigns aimed at ensuring equal participation; targeting women for appointment to public positions; and setting numerical goals and quotas.

Of even greater relevance to the application of quota systems is General Recommendation 25 of 2004 concerning Article 4 (1). This article is of a descriptive nature. It states that temporary special measures are not discriminatory when their application is aimed at accelerating the attainment of de facto equality between women and men. General Recommendation 25 explains the meaning of this definition in the context of the Convention as a whole and provides an in-depth analysis of the justification for applying Article 4 (1), as well as when and how to do so. While it is worth familiarizing oneself with the full argument, the most salient messages that are of relevance for the application of quota systems in public and political life are set out below.

The CEDAW Committee:

- reaffirms the concept of substantive equality between women and men;
- recognizes the concept of multiple or intersectional discrimination of women (that is, discrimination based on sex and gender and additional grounds like race, ethnic identity, religious belief, disability, age, class and caste). This must also be taken into account when striving for gender balance in the political sphere;
- argues that Article 4 (1) must be read in conjunction with the Convention's other Framework Articles (1, 2, 3, 5 and 24), and that its application must be considered in relation to all of those other articles, including Articles 7 and 8, which stipulate that states parties 'shall take all appropriate measures';
- contends that states parties, as a consequence, are obliged to adopt and implement temporary special measures in relation to any of these articles, if such measures can be shown to be necessary and appropriate in order to accelerate the achievement of substantive equality for women;
- underlines the fact that temporary special measures are 'temporary' and should not be confused with general policies, that is, they should not be

applied forever. The duration of their application, though, should be determined by functional results in response to a concrete problem and not by the passage of time determined independently of the problem to be solved;

- defines the term 'measures' as encompassing a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as: outreach and support programmes; allocation and/or reallocation of resources; preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with time-frames; and quota systems;
- cites, while respecting national contexts, the area of public and political life at the national and international levels as one potential field in which temporary special measures should be applied;¹⁸ and
- highlights various aspects of those processes that states parties will have to go through when applying temporary special measures, including quotas.¹⁹

Thus, the application of quotas, as one kind of temporary special measure, can be seen as part of a necessary strategy directed towards the acceleration of the attainment of substantive equality between women and men in the public and political spheres. The application of such quota systems, however, can also be of a general policy nature, when, according to Article 3 of the Convention, the purpose is to ensure the continuing diverse representation of the two sexes in these areas.²⁰

Opponents and Criticism

Opponents of temporary special measures, including quota systems, point to the factors of 'qualification' and 'merit' as obstacles to the application of preferential treatment for individuals or groups. With regard to the employment of women in the civil service and in the wider public and private sectors, the CEDAW Committee believes that the factors of 'qualification' and 'merit', which may be culturally determined, must be carefully reviewed to assess whether there is a potential gender bias. At the same time, the Committee is of the opinion that, regarding the appointment or election of individuals to, or their selection for, public and political office, factors other than 'qualification' and 'merit', including the application of principles of democratic fairness and electoral choice, must be

considered. In addition, the application of quotas can be justified by arguments concerning distributive and compensatory justice.²¹

CEDAW Committee Practice

The reporting obligation under the Convention is an important instrument for states parties to reflect on the application or non-application of quota systems by governments or political parties, to (re)consider the justification for the application or non-application of such systems and to evaluate whether the intended results are being achieved. The reporting obligation also offers an important opportunity for NGOs to comment on this issue in their shadow reports, to monitor the discussion between the CEDAW Committee and their respective governments and, subsequently, to lobby for the implementation of relevant recommendations in the CEDAW Committee's Concluding Comments. The potential of the Optional Protocol to deal with discrimination against women in public and political life has not yet been taken advantage of.

During its discussion of states parties' reports and in its Concluding Comments, the CEDAW Committee always refers to the application of temporary special measures, including quota systems in public and political life (and in other areas), either in a laudatory way, when they are being applied by the state party, or by recommending their application.²² Since the early 1990s, the CEDAW Committee has been confronted with both a decisive drop in the number of women representatives in the parliaments of post-socialist countries in Central, Eastern and Southeast Europe and in Western Asia and reluctance among newly elected governments (and individual women and non-governmental organizations) to apply the quota. This reluctance is connected to the past practice of applying quotas for various social groups (women, trade unions and youth) that did not have democratic legitimacy. The Committee, while discussing the reports of the respective states parties, continued to argue in favour of the application of quotas to counteract the decrease in the number of women in parliament and to hasten progress towards the achievement of gender balance in them. It recommended that these states parties review and, where necessary, amend their constitutions and electoral laws to allow for such measures. It also suggested that they encourage their political parties to introduce quotas for male and female candidates.²³

Conclusion

CEDAW establishes a human rights framework for the application of quotas to attain and maintain gender balance in public and political life. While lobbying for their utilization or while evaluating the results of existing systems, it is advisable, therefore:

- to refer to the Convention and to the CEDAW Committee's General Recommendations, as well as to the Beijing Platform for Action;
- to make use of the Convention's reporting process (including the submission of shadow reports) and the Concluding Comments of the CEDAW Committee; and
- to consider the application of quotas to ensure the participation of women in all realms of public and political life as a positive indicator of compliance with the Convention and of adherence to the principles of good governance.

At the same time, a number of issues must be resolved by states parties. Measures need to be designed, adopted and implemented in order:

- to overcome resistance to quota systems, particularly in countries in Central, Eastern and Southeast Europe;
- to establish conditions that enable women to employ quota systems and to maintain resultant gains;
- to move beyond the 30 percent concept (in terms of women's representation), which begins to act as a 'glass ceiling'; and
- to shift the focus from the quantitative aspect of quotas to consideration of changes in political culture and institutions, so that laws and policies reflect women's actual lives, needs and concerns without perpetuating existing sex-role stereotypes.

Endnotes

- 1 The Convention was adopted by the General Assembly of the United Nations on 18 December 1979 and entered into force on 3 September 1981.
- 2 These experts are nominated by their respective countries and are elected every four years by representatives of states parties to the Convention.
- 3 The argument could also be based on the International Covenant on Civil and Political Rights (ICCPR), in particular on Article 3 itself and in

- conjunction with Articles 2(1) and 26, as well as on the Human Rights Committee's General Comments 4, 18 and 28.
- 4 According to Article 18 of the Convention, states parties have to report 'within a year after the Convention went into force, thereafter at least every four years and further whenever the Committee so requests'.
 - 5 As of June 2005. There is one additional signature to the Convention: the United States of America. Its decision to sign the Convention signifies a willingness to do nothing to contravene its terms
 - 6 The following UN member countries are not CEDAW states parties: Brunei Darussalam, Iran, Marshall Islands, Monaco, Nauru, Oman, Palau, Qatar, Somalia, Sudan, Tonga and the United States of America.
 - 7 Unfortunately, many states parties entered reservations to the Convention, including those connected to Articles 2 and 7. See Schöpp-Schilling, Hanna B. 2004. 'Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women: An Unresolved Issue or (No) new Developments?' In I. Ziemele, ed. *Reservations to Human Rights Treaties and the Vienna Convention Regime*. Boston: Leiden. pp. 3–39.
 - 8 The Optional Protocol was adopted on 6 October 1999 and entered into force on 22 December 2000.
 - 9 As of 5 November 2004. There are additional signatories to the Optional Protocol, signifying a willingness to ratify.
 - 10 The Convention thus partly incorporates the 1952 Convention on the Political Rights of Women, the implementation of which, however, has not been monitored by a treaty body.
 - 11 "The term "gender" refers to the socially constructed roles of women and men that are ascribed to them on the basis of their sex, in public and private life. The term "sex" refers to the biological and physical characteristics of women and men. Gender roles are contingent on a particular socio-economic, political and cultural context, and are affected by other factors, including age, race, class or ethnicity. Gender roles can be learned, and vary between cultures. As social constructs they can change. Gender roles shape women's access to rights, resources and opportunities'. 'Integrating the Gender Perspective into the Work of the United Nations Treaty Bodies. Report by the Secretary-General'. 1998. HRI/MC/1998/6. p. 5.
 - 12 In the European Union, temporary special measures are called 'positive measures'; in the United States, they are called 'affirmative action'. The CEDAW Committee prefers the terminology of the Convention.
 - 13 United Nations. 2001. *Beijing Declaration and Platform for Action with the Beijing+5 Political Declaration and Outcome Document*. New York: United Nations. pp. 111–113 (in particular paragraphs 190 (a and b)).
 - 14 Ibid. p. 200 (paragraphs 22 and 23).
 - 15 Their legal status is that of 'soft law'. Some states parties do not accept General Recommendations as legally binding, although UN treaty bodies, including the CEDAW Committee, expect states parties to act on them in good faith.
 - 16 General Recommendation 5 deals with Article 4(1) and calls for the application of temporary special measures in, for example, the area of politics. General Recommendation 8 deals with Article 8 and recommends the utilization of Article 4(1) as regards the representation of women at the international level.
 - 17 The causes lie in: the public/private division; the non-recognition and even devaluation of women's work in the private sphere; the impact of sex-role stereotypes; and the structures of political systems.
 - 18 The other areas cited are: education; employment; the economy; and all other fields (including health, modification of cultural stereotypes, legal awareness, credit and loans, sport and culture).
 - 19 These encompass: the inclusion of affected women in the processes of designing, implementing, enforcing, monitoring and evaluating the action plans for such measures, as well as consultations and collaboration with women's and human rights groups in these efforts; the setting of concrete goals, to be achieved through the application of such measures, in a way that is appropriate to the respective national or international context, including the setting of a timetable that is deemed necessary for achieving these goals; the creation, if necessary, of a legal or administrative basis within the respective national or international context for adopting such meas-

ures (constitution, national legislation, decrees, executive orders and administrative guidelines), or clarification of the basis and framework for voluntary adoption of such measures by state and non-state actors; the establishment of a monitoring and enforcement institution; and the creation of a guarantee to ensure access to such measures for the affected women, as well as enabling conditions conducive to maintaining the advances made. When fulfilling their reporting obligations to the CEDAW Committee, states parties should provide adequate explanations if they have failed to adopt temporary special measures. In the event that they have adopted them, but have only applied them in the public sector, they should explain why they do not cover actors other than state actors. The application of temporary special measures also implies the collection of statistics disaggregated by sex in order to be able to measure the effectiveness of such measures. Lastly, temporary special measures should be applied in a number of fields as the necessary strategy to accelerate the achievement of substantive equality between women and men with regard to equal access to politics and equal distribution of resources and power.

- 20 I am grateful to former CEDAW member, Frances Raday, for this clarification.
- 21 Raday, F. 2003. 'Systematizing the Application of Different Types of Temporary Special Measures under Article 4 of CEDAW'. In I. Boerefijn et al., eds. *Temporary Special Measures. Accelerating de facto Equality of Women under Article 4 (1) UN Convention on the Elimination of All Forms of Discrimination Against Women*. Oxford and New York: Antwerpen. pp. 35–44.
- 22 A survey of CEDAW Committee practice up to 2000 can be found in CEDAW/C/2001/II/5.
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Strengthening Women's Participation in the Inter-Parliamentary Union

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INTER-PARLIAMENTARY UNION

Introduction

The Inter-Parliamentary Union (IPU) works to enhance and promote democracy by strengthening the institution of parliament. Created in 1889, it brings together more than 140 national parliaments from across the globe.

The IPU believes that the balanced participation of men and women in the management of public affairs is central to any democracy. Article 4 of its 1997 Universal Declaration of Democracy states that:

The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences.

This principle guides the organization's work; over the past 30 years, the IPU has developed numerous activities aimed at promoting women's participation in, and bolstering the contribution that they can make to, parliament. It conducts surveys and produces research on women in parliament; it monitors the percentage of women in national parliaments and publishes a monthly status report; it facilitates contact between women parliamentarians and encourages them to share their experiences; and it organizes technical assistance projects in specific countries. Finally, it promotes the participation of women parliamentarians within its own structures, the ultimate goal being equality in participation, as enshrined in its statutes.

Indeed, the IPU is one of the few international organizations—if not the only one—to have adopted specific measures and mechanisms to promote gender equality within its ranks. In December 2004, women made up a mere 15 percent of parliamentarians worldwide. In contrast, at the last IPU Assembly, held in Geneva, Switzerland, in October 2004, 28.7 percent of participants were women, close to the 30 percent target set by the United Nations (UN).

The participation of women within the IPU has never been as strong as it is today. This is due to the existence of a strong movement complemented with specific actions, which can be regarded as affirmative action measures or quotas.

The IPU's Position on Quotas

The IPU does not see quotas as the prime means of enhancing women's participation in politics. It prefers gradual change to mandatory measures. However, the organization recognizes that, when faced with deadlock and slow change, quotas, insofar as they are temporary special measures, are sometimes the only way forward.

The organization's position on affirmative action and quotas is set out in its Plan of Action to correct imbalances in the participation of men and women in political life, adopted by the Inter-Parliamentary Council in 1994. The Plan of Action states that:

On a strictly interim basis, these measures may include affirmative action measures. Wherever the measure chosen is a quota system, it is proposed that the quota should not target women but that, in a spirit of equity, it may be established that neither sex may occupy a proportion of seats inferior to a given percentage.

In 1994, this represented quite an important stand for an international organization to take. The balanced approach to women's participation is noteworthy, and is consistent with the IPU's promotion of gender partnership. It is also in keeping with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which also introduces, in Article 4, the notion of 'temporary special measures aimed at accelerating de facto equality between men and women'.

Since 1994, the IPU's position on quotas has not changed. Its resolutions regularly mention affirmative action measures, and even set targets to achieve gender equality in politics. In a resolution adopted as recently as October 2004, on parliament's role in implementing the Beijing objectives, the IPU '[s]trongly urges parliamentarians to promote a stronger presence of women in political parties and at all levels of decision-making through the adoption, for example, of quota systems or other forms of affirmative action'.

Clearly, the IPU considers quotas and affirmative action measures to be useful mechanisms to make progress in areas characterized by gridlock and to encourage women's participation in parliament.

However, utilising such mechanisms within the IPU has required time, effort and persuasive argument. Indeed, when the idea was raised in the IPU, in the early 1990s, it led to much debate and opposition. This was also the case in 1999 when the subject resurfaced. Affirmative action at any rate can be a controversial issue, all the more so in the context of an international organization.

At that time, though, one thing had become clear to the IPU: women's participation within the organization was not increasing at a satisfactory pace.

In 1947, women made up only 1.2 percent of delegates at the conference in Cairo, Egypt. Some improvement had been made by 1975, with women comprising 7.8 percent of delegates at the 62nd conference in London. Progress remained slow up to 1990, when the figure stood at 12 percent.

Women's participation was also extremely weak and unsatisfactory in the IPU's other decision-making bodies, the Executive Committee and the Governing Council. The first woman to be elected to the Executive Committee was Marina Molina Rubio of Guatemala, in October 1987, almost a century after the organization was established. It was not until 1999 that a woman, Najma Heptulla, Speaker ad interim of the Indian Upper House, was elected President of the IPU.

Furthermore, no significant progress was made in the number of women participating at the national level. Although the organization had only a limited direct impact on women's participation in national parliaments, it was clear that reform within the IPU could also serve as an incentive to promote women's participation nationally and internationally. Ensuring greater participation of women parliamentarians within the IPU:

- set an example at the international level;
- encouraged change at the national level; and
- led to improvements in the functioning and work of the IPU.

What Affirmative Action Measures are in Place within the IPU Today?

Following a three-year consultative process, the IPU adopted, in 2001, a number of affirmative action measures and quotas intended to strengthen women's participation within the organization:

- a straightforward quota system was introduced for elections to the Executive Committee—20 per-

cent of its elected members must now be women;

- a gender-neutral target was adopted for the Governing Council, which, if strictly applied ensures that representatives of each sex account for at least 30 percent of its members. Each delegation is entitled to three members (and, therefore, three votes), provided that men and women are included in the delegation. Where this is not the case, the Member Parliament's voting rights and number of delegates on the Council are reduced by one (i.e. one-third of the total); and
- delegations that attend IPU Assemblies without representatives of both sexes on three consecutive occasions lose some of their voting rights and see their officially registered numbers reduced.

It must also be pointed out that the IPU statutes also limit participation in the Executive Committee to MPs from states that have granted women the right to vote and to stand for election.

These measures seek to enhance women's participation in the IPU quantitatively and qualitatively.

A politically supportive context and a participatory process

What factors are behind the increase in women's participation in the IPU? Simply put, strong political will has been in evidence within the IPU, and there has been greater awareness of the need for, and the benefits of, gender equality within the parliaments of member states.

Several of the measures adopted in 2001 by IPU bodies had already been proposed in one form or another a decade earlier, mainly by women parliamentarians. At that time, these proposals were seen as too forceful and thus were rejected. Ten years later, the context was very different, and definitely more favourable to the adoption of such measures.

By 2001, there was a general framework that was conducive to change within the IPU. The existence of a strong women's movement and the necessary political will was crucial. The process was also an inclusive and transparent one.

A strong women's movement

The increased presence and influence of women within the IPU cannot be dissociated from the recent adoption of quota measures. The women's movement in the IPU has grown over the years and today is an important element in the IPU's decision-making process. It all began with the establishment of the regular Meet-

ing of Women Parliamentarians, which was the product of some ten years of struggle. The first Meeting of Women Parliamentarians was held in 1985. This served as a concrete incentive to send more women to IPU meetings and, as a result, the percentage of women MPs in IPU meetings rose slightly in the late 1980s before slowing down again. The Meeting of Women Parliamentarians brings together women parliamentarians from around the world to discuss specific gender issues and to make an impact on the work of the IPU. Its action and support was vital to the adoption of quota measures by the IPU.

Political support at the highest level

At its highest decision-making level, the IPU could not be more politically supportive of greater participation by women within the organization. Participation by women has been high on the agenda of all recent IPU presidents. Their approach has always been one of partnership and gender equality. The IPU President Sergio Pérez Verdugo (Chile), under whose leadership the affirmative action measures were adopted, stated that: 'Modern societies will only be more humane and more equitable when all of their subjects are actively involved in the decision-making process'.

It must also be noted that the question of women's participation within the IPU has become increasingly prominent over the years. Reports on the number of women participants, the number of 'single-sex delegations' and the qualitative participation of women, have been regularly presented and discussed in the plenary session of the Governing Council raising awareness among delegates.

Gender equality: the responsibility of both men and women

Many of the measures encouraging women's participation in the IPU were introduced as part of a broader reform package. Gender equality was one of several items proposed with a view to improving the functioning of the IPU. Hence it was discussed by all concerned, and was seen as the responsibility of all.

The Gender Partnership Group, itself comprising two men and two women members of the IPU Executive Committee, spearheaded the affirmative action measures linked to participation in the IPU Assembly. Set up in 1997, this body was charged with ensuring that the policies and functioning of the IPU took into account the needs of both men and women on an equal basis. It started by examining the participation of women in delegations to IPU meetings. At that time, the novelty of the Meeting of Women Par-

liamentarians was beginning to wear off and the rate of women's participation at IPU events was starting to level off. Including men in the process to elaborate and adopt affirmative action measures proved critical. It made it possible to avoid marginalization of the issue and to incorporate the perspective of men.

An inclusive and consultative process

The affirmative action measures were adopted following an inclusive and consultative three-year process, ending in 2001. Initially, the Gender Partnership Group's recommendations were not far reaching, merely encouraging delegations to include women. Gradually, it began to discuss affirmative action measures and the possibility of imposing sanctions for non-compliance. These ideas were shared with the IPU membership at three assemblies. Members' comments were widely circulated and the Gender Partnership Group discussed them. Some suggestions were accepted while others were rejected. When a proposal was rejected, an explanation was given to all members.

The consultative process revealed a wide range of opinions on how best to ensure women's participation and gender balance at IPU events. Many IPU members were opposed to insisting that delegations to the conference/assembly have a specific gender composition, and instead called for a voluntary system. Others felt that only a more rigid and mandatory system (involving sanctions) would be effective. The IPU therefore devised a hybrid system, which would not impose a mandatory quota on each delegation, but would introduce sanctions if a delegation consistently ignored the need to ensure gender balance.

Consequently, a consultative and transparent process turned out to be key to the adoption of the quota measures. These could hardly be contested, as they were the product of the work of the entire IPU membership. The process also had to be consultative and transparent in order to take into account the various points of view of the IPU membership, and to reflect differences in cultures and traditions.

What has this changed at the IPU?

The affirmative action measures were adopted in 2002 and restrictions on voting rights and representation were applied as early as October 2003. While it is too early to draw any conclusions on the effect of these measures, the following observations can be made:

- the participation of women in IPU Assemblies and on the Governing Council and the Executive Committee has increased significantly over the past five years, or since the process was launched. The participation of women in the IPU Assembly almost reached 30 percent in 2004. However, what is most notable is the decrease in the number of 'single-sex delegations'. True, some parliaments send delegations with only one female member in order to avoid sanctions and the ultimate objective of equal representation within delegations has yet to be met;
- putting the question of women's participation in the IPU on the organization's agenda (especially within the framework of its reform process) has raised IPU members' awareness of gender equality in politics. Today, gender equality is more prominent in IPU debates, although there is still room for improvement;
- these measures have had an indirect effect on the composition of elected bodies and positions within the IPU. Greater effort is now made to ensure that appointed posts are gender balanced (for instance, the members of drafting committees and the rapporteurs of standing committees).

Interestingly, the main reservations expressed vis-à-vis the mechanisms in place at the IPU focus on sanctioning as opposed to facilitating change. While the first option (sanctioning) was eventually adopted, the second approach was nevertheless considered necessary to encourage more long-term change at the IPU and in national parliaments.

To maximize the impact at the national level, the IPU has been active in different areas. The Gender Partnership Group has initiated a series of hearings with delegations from national parliaments that have no women members. The aim is to establish a dialogue, assess difficulties, encourage progress, evaluate needs and identify if and how the IPU can aid women's participation. Preliminary hearings have been held with parliaments from the Gulf States and those Pacific Island states where no women are present in parliament.

From the International to the National Scene

As mentioned earlier, quotas are not the only solution available. A number of other measures to facilitate women's participation should complement them, both within the IPU and in national parliaments. After all,

that is the ultimate goal.

The IPU has thus attempted to encourage debate on the means of promoting women's participation in parliament. IPU meetings, particularly the Meeting of Women Parliamentarians, serve as useful forums for the exchange of ideas and for debate on the effectiveness of steps taken at the national level. These meetings are also useful for disseminating data and ensuring that men and women are aware of tools that exist in this field. The quota database of the International Institute for Democracy and Electoral Assistance (IDEA) is an excellent example of a tool that is of value to MPs, politicians and parliamentary staff considering what measures to develop in their own countries.

It is also important to provide MPs with a broader approach to quotas and to focus on how to justify such measures and implement them. A better understanding of the rights included in CEDAW can be helpful. The IPU has produced, with the UN, a handbook for parliamentarians—The Convention for the Elimination of All Forms of Discrimination against Women and its Optional Protocol—a handbook for parliamentarians on that particular subject and organizes seminars for MPs grappling with the issue.

Quotas must not be an objective per se, but a mechanism to ensure the participation of a greater number of women in politics or within the IPU. They provide for a quantitative leap, to attain the goal of effective gender equality in politics, and need to be accompanied by a series of other measures, which range from awareness-raising to the training of women and the development of gender-sensitive environments both within national parliaments and the IPU.

The IPU has therefore developed more comprehensive programmes for women in parliament at the national level. These may include the development of quotas, but this is just one initiative. National technical assistance projects to support women in politics have also been established. Box 1 contains an example of a technical assistance project in a post-conflict country, Rwanda.

Box 1: Technical assistance projects aimed at promoting the participation of women in parliament

The case of Rwanda

Institutional support: the project began in 2000 with the provision of technical support to the Forum of Rwandan Women Parliamentarians (FFRP). A documentation centre on gender issues was set up and a librarian was trained to conduct research on gender issues.

Engendering the constitutional process: a three-day seminar on ‘Engendering the new Rwandan Constitution’ was organized by the IPU and the United Nations Development Programme (UNDP) in August 2001, within the National Transitional Assembly of Rwanda.

The seminar brought together all women and men parliamentarians, members of the Legal and Constitutional Committee tasked with drafting the new constitution and civil society organizations. International and regional experts also attended the session. The seminar provided a unique opportunity for Rwandans to consider practical ways to ensure that the constitution took account of gender matters, including a debate on affirmative action measures. The meeting concluded with the adoption of a series of recommendations aimed at ensuring that the constitution paid attention to gender questions. At the close of the seminar, participants agreed to work together to garner women’s views on the constitutional process through a popular consultation process and to produce a document on women’s rights to be submitted to the Legal and Constitutional Committee. The result was extremely positive: today Rwanda has a constitution that is highly sensitive to gender issues. A record of the seminar was published in an IPU publication that can be found at <http://www.ipu.org/wmn-e/studies.htm>.

Support to women election candidates: the IPU and UNDP, together with the Transitional National Assembly of Rwanda and the FFRP, organized a seminar on ‘Rwandan Women and the Electoral Campaign’, in Kigali, Rwanda, from 30–31 July 2003. Held on the eve of the launch of both the presidential and the legislative electoral campaigns, the seminar came at a timely moment in the Rwandan electoral process. Eighty women leaders with different backgrounds discussed a variety of subjects, including gender and the constitution, the funding of electoral campaigns and relations with the media and the electorate. They benefited from the input of national and international experts from France, Kenya and South Africa. The seminar proved that women in Rwanda have what it takes to be leaders, to ensure balanced representation in parliament and to articulate the views of the distinct groups they represent. The results of the seminar were published in an IPU publication that can be found at <http://www.ipu.org/wmn-e/studies.htm>.

Conclusion

Several lessons can be gleaned from these experiences and others, especially concerning measures to accompany the quota process and the role of international organizations.

- Quotas must respond to a national need and demand. To develop quotas, political will is necessary.
- Support activities by international organizations need to be nationally driven, that is, they must respond to an internally identified need and they must be managed from within. Ownership of the project contributes to its overall success. International organizations can only provide assistance and options; the choice remains that of the nation.
- The development of quotas must not be seen as an objective per se. It is crucial that this is only one element of a more comprehensive plan of action aimed at promoting women in politics.
- To be efficient quotas need to be understood by the people and accepted as non-discriminatory. In addition, it is important to provide support to newly elected women officials, especially if a quota system is in place. Even after quotas are adopted and women are elected to parliament, it is important to keep the question of women in politics high on the public and political agenda.
- Support for women should not be perceived as separate from support for institution-building. Enhanc-

ing the capacities of newly elected women parliamentarians should complement the development of parliament's capacity to address gender issues.

- Activities should ensure the participation of men and avoid their exclusion, as this may ultimately prove counterproductive.

Quotas have acquired considerable political momentum over the past ten years. They are undoubtedly an option to consider in promoting women in politics, although not necessarily in isolation. Their efficiency still needs to be analyzed further, especially in terms of identifying the side effects that may sometimes hamper the work of women in parliament, if they are not properly addressed. The definitive aim, though, remains equal participation of men and women in politics. International organizations are not outside the confines of the gender equality debate. Indeed, they also have a role to play in ensuring equal participation within their own structures as a means of promoting equal participation in decision-making processes, whether nationally, regionally or internationally.

Moving Beyond Quotas in the EU: An Emerging Stage of Democracy

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Introduction

Women's participation in politics in the European Union (EU) has increased spectacularly over the past ten years. The proportion of women in the European Parliament jumped from 19 percent to 27 percent following the June 1994 election. Women now comprise 30 percent of the recently 'enlarged' parliament, elected in 2004. The number of women European Commissioners has increased from one out of 17 (in the previous Commission presided over by Jacques Delors) to seven out of 25 (in the Commission that became operational in November 2004). In the member states of the EU, an average of 24 percent women² now sit in parliament and are members of government (although with important variations between countries), as opposed to less than 14 percent³ in 1997.

These changes came about as a result of pressure by stakeholders, the sustained political will of democratic institutions and institutional engineering by executive powers. This case study first examines how from 1992, in a favourable climate, the European Commission and the European Parliament played a decisive role in promoting a debate on the political integration of women, mobilizing stakeholders around the issue, and in getting member states to commit to an integrated strategy that included 'the introduction of suitable legislative or regulatory measures or incentives for achieving a gender balance in decision making'.⁴

In the second part it will consider the impact of the introduction to the European debate of the concept of 'parity democracy'.⁵ As a result of the differences between member states, this led to a shift from the 'quantitative claim' associated with remedies like positive action and quotas to a 'qualitative necessity' associated with structural change and the rethinking of democracy.

Ten years later, women, on average, occupy one-third to one-quarter of elected and appointed decision-making posts in EU institutions and member states. The final section asks: to what extent has this contributed to the promotion of a 'culture of equality' or led to increased competition between women and men? Paradoxically, in the last European elec-

tions, tools like quotas seemed more essential than ever just to maintain one-third of seats for women.

The Role of European Institutions in Promoting Gender Balance

'Can you imagine a world with 81% of Romeos and 19% of Juliets?' Did you know that '81% of the European Parliament has to shave in the morning?' These questions were part of a 1994 trans-party campaign in all EU member states to achieve 'balance between women and men' (during the 1994 European Parliament election). This campaign was just one of many creative actions initiated by the European Commission as part of its Third Community Action Programme for Equal Opportunities between Women and Men (1991–1995). Women's representation in the European Parliament rose by eight percent (to 27 percent): 'a positive trend, which was unexpected in a parliament with increased powers'.⁶ The result marked the start of an upward trend in women's political representation in European institutions. The representation of women in the new College of Commissioners increased from one to five in 1995.

Such progress was due to a combination of factors, including:

- the need for a flexible workforce to expand the range of services;
- the limited results of the first two Community Action Programmes in terms of fulfilling the promise of the Treaty of Rome to guarantee equal pay for women;
- the accession of Austria, Finland and Sweden to the EU in 1995; and
- the Beijing women's conference and its preparatory process.

The 'fathers of Europe' did not foresee, when negotiating the Treaty of Rome, the need to address the under-representation of women. They inserted Article 119⁷ on equal pay for equal work to avoid distortion of competition in the textile sector. Following the interpretation of this article by the European Court of Justice in the Defrenne case (1976) and a directive

for equal treatment in the labour market adopted the same year, the European Commission developed a policy to promote equality between women and men in the labour market, starting with pluri-annual action programmes.

The key that opened the door to action to promote the participation of women in decision-making was the Third Community Action Programme (1992-96), a natural product of efforts to create equality in the labour market. The European Commission and the European Parliament had agreed that ‘an active participation of women in the decision making process could be one of the most efficient manners to reach equality between women and men and to create sustainable changes of attitude’.⁸ This was followed by a number of commitments to be met by the Commission and recommendations for member states and social partners vis-à-vis their active engagement in initiatives to raise awareness about the need to increase the participation of women in decision-making forums.

A European Network of Experts on Women in Decision-Making was created in 1992 to assist the Commission in implementing the programme. Its mandate was ‘to identify the obstacles to women acceding to decision making positions and propose strategies to overcome them’. During the five years that it was in existence, the Network (made up of one national expert per member state, plus a coordinator) covered ground that hitherto had never been explored with such diligence (and resources).

The main activities developed by the Commission and the Network had three objectives.

1. To inform the debate:

- Through high-profile events (high-level conferences to agree on symbolic documents, including the Declaration of Athens in 1992, the Charter of Rome in 1996 and the Declaration of Paris in 1999).
- Through the development of strategies to raise the number of women candidates and elected representatives at the local, regional and national levels, as well as in professional organizations and in academia.
- Through the promotion of networking.
- By providing easy to use and regularly updated facts and figures on the gender gap in decision-making positions (via studies, a database, a regular ‘panorama’ or overview and practical handbooks).⁹

2. To mobilize actors:

- By encouraging women’s associations to get involved (for instance, the ‘vote for balance’ campaign, the holding of the ‘European Summit of Women in Power’ in Athens, Greece, followed by the dissemination of postcards reciting the Athens Declaration, and the co-financing of a ‘Eurobus for gender balance’ in the UK, as well as of a regular newsletter, *Parité-info*, in France).
- By working with political parties (for example, offering to finance studies that had never been carried out before in the European Parliament on the status of women in political parties, helping to organize a one day session of a ‘parity parliament’ which brought together an equal number of political women and men in the Portuguese house of representatives).

3. To encourage governments to commit to an integrated programme.

Parity Democracy

In the EU of the early 1990s, quotas were not popular: they were disliked by men who felt excluded from their benefits, and they were disliked by most women who believed that they should be selected on merit. In public discourse, they are rarely seen as a corrective measure to redress past injustice, but, instead, quotas are perceived as a tool to discriminate against men. This was made particularly clear in the reactions to the Kalanke case¹⁰ referred to the European Court of Justice in 1995. According to the report, positive action can only be used in limited circumstances, such as to help a woman hold down a profession by providing ‘facilitating measures’ like training or childcare. Under no circumstances, however, should it be used to promote a woman over a man with equivalent employment qualifications.¹¹ Such negative sentiment towards quotas led the members of the European Network to seek alternative means.

The Athens Declaration

Although in 1988, the Council of Europe referred, for the first time, to the link between gender equality and democracy in an official text¹² (and commissioned a study on ‘parity democracy’.), it was four years later that the EU debate on the concept of parity democracy started at the first “European Summit of Women in Power”, held in Athens in November 1992. The Athens Declaration was issued at the end of the summit. Signed by 20 women leaders, it openly stated that

‘equality of women and men imposed parity in the representation and the administration of Nations’.

The declaration sought to respond to the plea for representation (based on both the politics of ideas and the politics of presence). It drew attention to the waste (in terms of efficiency and fairness) generated by not making good use of women’s talents and aspirations and denounced the ‘democratic deficit’ created by the absence of women. This declaration, which later gained international recognition, provided ammunition to those calling for gender equality in member states.¹³

Not only was it widely used by the women’s movement, but members of the Network took the debate to national parliaments. It received unanimous backing in the Spanish parliament (February 1993) and in the Portuguese parliament (resolution adopted on 8 March 1993).

The five basic arguments concerning the need to have equal representation of women and men in decision-making forums—equality, democracy, good use of human resources, satisfying the needs and interests of women, and improving the policymaking process—were presented as interdependent. The declaration established common ground for a European debate, as well as for the possible adaptation of views that prevailed in each individual national context.

What it changed

The Athens Declaration marked the beginning of a process, which is recognized as having been decisive in most member states.¹⁴ It gave rise to intensive ‘follow up’ in Europe. After the Athens summit and during the years of the European Programme (1991–1996), the members of the European Network received an unexpectedly welcome response. Theories and forms of practice were debated by women’s associations, political parties, decision-makers and politicians at the national level. They were compared and tested during national and European events and campaigns. Four years after Athens, a second summit was held in Rome, Italy, and ended with a new political declaration entitled: ‘The Charter of Rome: Women for the Renewal of Politics and Society’.

These years saw the implementation of a large number of creative initiatives all over Europe. A momentum was created among interested parties. The issue entered the European mainstream in March 1996 when the Council of Ministers called on the European Commission to ‘provide an opinion on how to improve the representation of women in decision making in the institutions of the EU and

the member states’. A ‘Recommendation for the balanced participation of women and men in decision making’ was subsequently presented to the Council and adopted in December 1996.¹⁵

The text recommended that European public authorities adopt ‘a comprehensive, integrated strategy to promote gender balance in decision making and develop appropriate measures (legislative, regulatory or measures to encourage) to achieve this objective’. The collection and publication of statistics, the promotion of public campaigns, exchanges of experiences and support for studies on the participation of women and men in decision-making processes were among the actions that ministers agreed could lead to a necessary change in the political culture. The actors to be involved included social partners, governments, the private sector and, of course, political parties.

In legal terms the recommendation was non-binding. Regular reports to be prepared by the European Commission, ‘for the first time three years after the adoption of the text and thereafter annually, on the basis of information provided by the member states and public bodies concerned’, served as a monitoring mechanism.

In June 1997, the Treaty of Amsterdam widened the European gender equality mandate. A clause called on member states to ‘eliminate inequalities and promote equality between women and men in all the activities of the Union’. This official mandate on paper gave rise to a new stage of the promotion of gender equality: gender mainstreaming.

The experience gained during these few years of ‘momentum’ at the European level proved to be a valuable source of reference and inspiration, and led to the mobilization of women’s associations and created leverage in all member states. The pressure placed on national governments by associations and parties and as a result of recommendations and resolutions adopted by the Council led to the emergence of new dynamics at the national level. In some member states this resulted in changes to electoral laws¹⁶ and national Constitutions,¹⁷ while in others it resulted in renewed commitments and/or more efficient and firm measures to achieve a gender balance in decision-making forums.

During this period, the evolution of the debate on women’s representation in the public sphere produced the new conceptual approach engendered by the introduction of the concept of parity democracy, leading to a shift in thinking on gender equality policies: from the ‘quantitative claim’ associated with remedies like positive action and quotas to a ‘qualita-

tive necessity' associated with structural change and the rethinking of democracy. The strength of this concept was that it did not do away with quotas—understood as a compulsory measure to boost the proportion of women in positions of power. Rather, it avoided all discussion of percentages, balanced representation between women and men being seen as essential to a fair democratic order.

Low electoral turnout, disaffection towards the political class, scepticism about the effectiveness of political parties as instruments of the political process and citizen mistrust of government, which came to the fore in Europe in the 1990s following the demise of communism, raised a number of fundamental questions concerning the nature of representation at a time when society was becoming more interactive.

Prospect of a culture of equality

The debates that took place on the concept of parity democracy in the 1990s had a more ambitious and far-reaching goal than just proposing a more acceptable way to pursue gender equality policies or to modify cosmetically the composition of elected assemblies. They emphasized that democracy had to be deepened in a structural way¹⁸ in order to facilitate the equal participation of women and men. Beyond the introduction of 'provisional' changes to electoral and appointment systems to ensure that women are placed in an equal position to men at all levels and in all areas of democratic institutions, the concept of parity democracy underlines that power-sharing is likely to bring about better outcomes. It is more likely to respond to the needs of a diverse citizenry.

Defining gender parity

As there are no existing examples of societies governed according to a gender parity principle, one has to hypothesize as to what would actually change and rely on judgement. A convergence of 'visions' emerges from questioning women with experience of high public office (see below).¹⁹

For Cristina Alberdi, Minister for Social Affairs when Spain held the presidency of the European Union in 1995, the objective of parity democracy is to 'ensure a proper balance between the interests which no men traditionally represent and those which men traditionally represent until such time as it stops making sense to draw that distinction because women and men both attach equal importance to private life and public life'. Among the changes that women should introduce at the policy level to make 'democratic institutions prop-

erly equality-conscious', she drew attention to those designed to ensure equality in the labour market, as well as to those designed to enhance community life (such as caring facilities, changes to working hours, changes to shops' opening hours and public services)—to give individuals the opportunity to balance properly their productive and reproductive roles. 'The private sphere needs proper acknowledgement and attention.'²⁰

For Mary Robinson, former President of Ireland, a 'reallocation of time that creates a better balance in the activities of men and women' is likely to be supported by more women in decision-making positions, but changes in the style of leadership would also result. 'One of the striking details which remains in my mind from the women's groups and networks I have visited is that women seem to devise instinctively structures which are open, enabling, consultative and flexible.'²¹

For Vigdis Finnbogadóttir, former President of Iceland, 'women have a slightly different collective angle on values and justice, which will enrich society as a whole'.²²

For Maria de Lourdes Pintasilgo, 'Parity democracy is not simply one aspect of equality. It goes beyond this issue by offering women and men a unique opportunity to face up to the question of identity as a key aspect of the organization of society. It represents a newly emerging stage of democracy'.²³

For the European Union, this new approach represented a welcome challenge to renew the terms of its 'democratic contract' with women. Traditional ways of promoting gender equality had not yielded significant results: the equal pay commitment made in the name of the European Economic Community, for instance, was not met. And with the accession of Finland and Sweden to the EU in 1995 women were becoming increasingly sceptical about the benefits of EU membership: The results of the electoral consultations that took place during the 1990s in Austria, Denmark, Finland, France, Norway and Sweden confirmed the findings of opinion polls—women were unconvinced by the 'men in grey suits enterprise'. The introduction of more women to decision-making arenas as a result of commitments to gender parity made in national and European institutions was, in theory, seen as politically rewarding. In parallel, the concept of gender mainstreaming of gender equality embedded in the Treaty of Amsterdam²⁴ could be matched with the idea that women could bring a different perspective that had to be taken into account.

Conclusion

Despite the originally rejuvenating meaning of gender mainstreaming for policymaking, practice has not

lived up to potential. Essentially, gender mainstreaming is either considered to be a 'useless luxury' in busy bureaucracies or it is used to do away with 'positive action'. Or it falls somewhere in-between.

As for the commitments to 'parity democracy' and 'balanced representation of women and men', one can only say that they were easily forgotten when 'conventionals' were appointed by member governments and parliaments of the wider EU to draft a new Constitutional Treaty. The representation of women records a low in this process: 17 women out of 105 members of the Convention.

Still, significant progress has been made in terms of women's representation in European institutions. Almost one-third of the members of the 2004 European Parliament are women, which has to be considered good in view of the low percentage of women in the parliaments of new member states. If progress continues to be measured in numbers however, a change of culture will be slow to come.

Already, new and potentially significant methods and tools are being developed to advance gender equality and democracy. 'Gender budgeting' is on the agenda of both the European Parliament and the European Commission²⁵ and the European Council agreed in June 2003 to create a European Gender Institute.²⁶ Following a meeting of EU ministers in May 2004 in Limerick, Ireland, the European Council asked the Commission to submit a proposal on the latter.²⁷ The agreement reached between EU ministers in Limerick notes: 'A European Gender Institute will act as a source of expertise and learning which will assist the achievement of the overall goal of a more equal European Union for all its citizens. Specific tasks that would be assigned to the Institute could include: co-ordinating and disseminating information on gender issues; providing greater visibility for gender equality; and generally developing tools to assist with the implementation of gender mainstreaming'.

Endnotes

1 This expression is borrowed from Maria de Lourdes Pintasilgo at a conference on 'Equality and democracy: utopia or challenge', organized by the Council of Europe in February 1995. 'Parity democracy is not simply one aspect of equality. It goes beyond this issue by offering women and men a unique opportunity to face up to the question of identity as a key aspect of the organization of society. It represents a newly emerging state of democracy'

- 2 See Europa, 2004. "Decision-making in the Political Domain," Available online at <http://europa.eu.int/comm/employment_social/women_men_stats/measures_in41_en.htm>.
- 3 Data from the Inter-Parliamentary Union, 2004. "Women in National Parliaments." Available online at <<http://www.ipu.org>>.
- 4 European Council recommendation of 2 December 1996. 96/694/EC.
- 5 Developed in 1992 by Elisabeth Sliedjewsky in a study for the Council of Europe.
- 6 The Treaty of Maastricht granted the European Parliament a power to "co-decide" (together with the Council of ministers) on European legislation in certain policy areas while it previously only had power over the budget. As noted in the Annual Report of the European Network of Experts on Women in Decision-Making', set up in 1992 to assist the Commission in implementing its Third Community Action Programme, places in a more powerful institution should have been more difficult to obtain for women .
- 7 The predecessor to Article 141 of the Treaty of Amsterdam and Article III-108 of the European Constitutional Treaty.
- 8 COM(90)449final. 6 November 1990. Equal Opportunities for Women and Men. The third medium-term community action programme. 1991-1995.
- 9 See, in particular, Leijenaar, Monique. 1997 'How to create a gender balance in decision making: A guide to implementing policies for increasing the participation of women in political decision making'. Published in all official EU languages by the Office des Publications Officielles des Communautés Européennes (OPOCE).
- 10 Herr Kalanke, employed by the administration of the city of Bremen (Germany) had applied for a higher position for which one of his female colleague "with equal qualification and merit" was chosen. He went to Court as he felt that the positive action rule of the city of Bremen was discriminating against men. The reaction of the press and the memoir of the advocate general of the European Court of Justice were then rather unanimous in pleading for an interpretation that would limit positive actions to training or child-care provision to facilitate women's work.
- 11 After much internal debate and disagreement the European Court of Justice opted to follow the

- advice of the Advocate General. It did not miss the opportunity, however, a year later during the Marshall case to issue further clarifications on the use of positive action, taking into account the indignation expressed by women's organizations throughout Europe. It was then recognised that as long as the decision was not "automatic", women could be given priority in cases where they could display equal merit and qualification.
- 12 Declaration of the Ministers of the Council of Europe 1988.
 - 13 The declaration was reproduced on posters and postcards, helping to mobilize grassroots movements around the issue of political participation.
 - 14 See Gaspard, Françoise and Philippe Baraille. eds. 1999. 'Comment les femmes changent la politique et pourquoi les hommes résistent'. Paris: la découverte.
 - 15 European Council recommendation of 2 December 1996. 96/694/EC.
 - 16 Belgium (1997) and Italy (1998).
 - 17 Portugal (1998) and France (1999).
 - 18 The report of the high-level group of experts to the Secretary General of the Organisation for Economic Co-operation and Development (OECD) entitled 'Shaping structural change: the role of women' (1991) made a significant contribution in this regard.
 - 19 Council of Europe. . Proceedings of the high level conference entitled 'Equality and democracy: utopia or challenge', organized in February 1995
 - 20 Idem.
 - 21 Idem.
 - 22 Idem.
 - 23 Idem.
 - 24 Article 3, paragraph 2 of the Amsterdam Treaty widened in scope the text of the European Constitutional Treaty.
 - 25 See European Parliament, 2004. '1999-2004 Session Document,' Available online at <<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//NONSGML+REPORT+A5-2003-0214+0+DOC+PDF+V0//EN&L=EN&LEVEL=2&NAV=S&LSTDOC=Y>>.
 - 26 See <http://www.europarl.eu.int/meetdocs/committees/femm/20040406/en.pdf>
 - 27 The Commission adopted its proposal on 8 March 2005. This has already been extensively debated in the Council of Ministers, which is waiting for the European Parliament Report to finalise its decision to set up the Gender Institute. http://www.cc.cec.sq_vista/cgi

Introducing Parity Democracy: The Role of the International Community and the European Women's Lobby

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Background

EWL is a non-governmental organization (NGO) that brings together over 4,000 women's organizations that are working to promote equality between women and men and to ensure that gender equality and women's human rights are taken into consideration in all European Union (EU) policies. This case study will examine the experiences and activities of the European Women's Lobby (EWL) in the area of women in decision-making.

Each of the current EU Member States has what we call a 'National Co-ordination of Women's NGOs for EWL'. In September 2004 there were 18 National Co-ordinations. At our General Assembly on 17 October 2004, we welcomed seven new National Co-ordinations, from the Czech Republic, Estonia, Lithuania, Malta, Poland, Slovakia and Turkey. We very much hope to develop our contacts and to increase our level of cooperation with women's organization from the Balkans.

In addition, 23 large European networks are members of the EWL, including for example the International Alliance of Women and the women's section of the European Trade Union Confederation.

In our work we focus on: 1) women and economic justice, including labour market issues, social policies and pensions, and gender budgeting; 2) women in decision-making and institutional issues, such as the revision of EU treaties; 3) violence against women and women's human rights; 4) the accession process and working with women's NGOs in the new EU Member States; and 5) in coming months, the ten-year review of implementation of the Beijing Platform for Action (BPfA). EWL has drafted a report on implementation of the BPfA by the EU.

We all know that achieving equality between women and men requires changes at many different levels, so EWL aims:

- to ensure that women and women's organizations are kept fully informed of EU policy developments that will affect their lives so that they are in a position to organize their responses at the local, national, regional and European levels; and
- to lobby at the European level to ensure that decision-makers are made aware of the concerns, inter-

ests and needs of women with respect to all areas of EU policy.

EWL acts as a link between women's organizations and EU institutions and facilitates the flow of information from these institutions to local, national and European women's organizations. Thanks to its advisory status vis-à-vis the United Nations Economic and Social Council (ECOSOC) and the Council of Europe, EWL can also play a dual role at the international level. The work of EWL takes place both at the level of the Members of the European Parliament and with the Commission in Brussels as well as at the level of governments and political representatives in the Member States by our member organizations.

International Instrument and the Promotion of Gender Equality on Decision-making

International instruments can be very useful resources in pushing for equality between women and men in decision-making. It is very important, therefore, to be aware of them and to utilise them, so as to make decision-makers accountable for the commitments that they have made at the European and international levels.

The equal participation of women and men in power and decision-making has been strongly promoted at the international level. Articles 7 and 8 of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW),¹ adopted in 1979 and ratified by most European countries,² commits states parties to 'take all appropriate measures to eliminate discrimination against women in political and public life'. Furthermore, Article 4 stipulates that the adoption of 'temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination'.

'Women in power and decision-making' is also one of the 12 critical areas of concern of the Beijing Platform for Action,³ adopted at the Fourth World Conference on Women in 1995. The BPfA contains precise measures in order to 'ensure women's equal access to and full participation in power structures and decision-making' and to '[i]ncrease women's capacity to participate in decision-making and leadership'.

The Council of Europe has also done some very interesting work on women in decision-making. A recommendation on balanced participation of women and men in political and public decision-making was adopted on 12 March 2003, although this is not legally binding.⁴

The Treaty on the European Union contains strong, general gender equality provisions.⁵ In addition, the EU has adopted several recommendations and issued various statements on women in decision-making.⁶ However, there is no binding gender equality provision with respect to political decision-making in European institutions (the European Parliament, the

European Commission and Council).

Article 141, paragraph 4 of the 1999 Treaty of Amsterdam lays the legal foundations for 'specific advantages' established by Member States and favouring the 'under-represented sex'. As a consequence, a directive⁷ was adopted in 2002, which states (Article 2, paragraph 8): "Member States may maintain or adopt measures within the meaning of Article 141§4 of the Treaty with a view to ensuring full equality in practice between men and women".

This wording is an important step forward, as it should make it easier to engage in positive action and to achieve substantive equality in the employ-

Table 1: Women in Lower Houses of National Parliaments in EU Member States, Accession Countries and the Balkans

Rank	Country	Last Election	Seats	Women	% Women
1	Sweden	09/2002	349	158	45.3
2	Denmark	11/2001	179	68	38.0
3	Finland	03/2003	200	75	37.5
4	Netherlands	01/2003	150	55	36.7
5	Spain	03/2004	350	126	36.0
6	Belgium	05/2003	150	52	34.7
7	Austria	11/2002	183	62	33.9
8	Germany	09/2002	601	197	32.8
9	Bulgaria	06/2001	240	63	26.3
10	Luxembourg	06/2004	60	14	23.3
11	Lithuania	10/2004	141	31	22.0
12	Croatia	11/2003	152	33	21.7
13	Latvia	10/2002	100	21	21.0
14	Poland	09/2001	460	93	20.2
15	The F.Y.R of Macedonia	09/2002	120	23	19.2
16	Portugal	03/2002	230	44	19.1
17	Estonia	03/2003	101	19	18.8
18	United Kingdom	06/2001	659	119	18.1
19	Czech Republic	06/2002	200	34	17.0
20	Slovakia	09/2002	150	25	16.7
21	Bosnia and Herzegovina	10/2002	42	7	16.7
22	Cyprus	05/2001	56	9	16.1
23	Greece	03/2004	300	42	14.0
24	Ireland	05/2002	166	22	13.3
25	France	06/2002	574	70	12.2
26	Slovenia	10/2000	90	11	12.2
27	Italy	05/2001	618	71	11.5
28	Romania	11/2004	332	38	11.4
29	Malta	04/2003	65	6	9.2
30	Hungary	04/2002	385	35	9.1
31	Serbia and Montenegro	09/2003	126	10	7.9
32	Turkey	11/2002	550	24	4.4
Average					21.2

Source: Inter-Parliamentary Union, 2005. Women in National Parliaments, as of 31 January. Available at <http://www.ipu.org>.

ment field, including in decision-making positions. However, there are still some uncertainties regarding how the European Court of Justice will interpret this provision and whether it will accept the concept of 'equality of result'.⁸ The deadline for transposing this directive into national legislation is October 2005.

The European Commission Decision on Gender Balance within the Committees and Expert Groups taken on 19 June 2000,⁹ aims in the medium term to ensure that there is at least 40 percent of one sex in each of these bodies.

A 1998 European Parliament resolution on a draft common procedure for elections¹⁰ to the body states that: 'When lists of candidates for European elections are drawn up, account must be taken of the objective of equality between men and women and that it is primarily for political parties to achieve this objective directly'. However, no final decision was taken¹¹ on a common electoral procedure and hence it is up to each member state and national political parties to define their own rules for European parliamentary elections.

Data on Women in Decision-making at the European Level

National Parliaments

There are vast disparities between countries in terms of the representation of women in national parliaments. The average representation of women in January 2005 stood at 21.2 percent for the Lower Houses in EU member states, accession countries and the Balkans, as shown in Table 1.

European Parliament

Women's representation in the European Parliament has increased steadily over the years, except for stagnation following the last elections in June 2004. The proportion of women Members of the European Parliament (MEPs) rose from 17.3 percent after the 1984 elections to 31 percent in 2003, decreasing to 30.3 percent after the 2004 polls. It must be noted that there are big differences between countries, ranging from 57.9 percent women in the Swedish group to not a single woman from Malta, and between political groups.

Table 2: Percentage of women in the European Parliament Sixth Term 2004–2009

Rank in Europe	Member state	No. of seats	No. of women	% of women	Evolution compared to fifth term
1	Sweden	19	11	57.9	↑↑ ¹³
2	Luxembourg	6	3	50.0	↑↑
3	Netherlands	27	12	44.4	↑
4	Slovenia	7	3	42.9	
5	France	78	33	42.3	↓
6	Austria	18	7	38.9	↑
7	Lithuania	13	5	38.5	
8	Ireland	13	5	38.5	↑
9	Hungary	24	9	37.5	
10	Denmark	14	5	35.7	↓
11	Finland	14	5	35.7	↓
12	Slovakia	14	5	35.7	
13	Estonia	6	2	33.3	
14	Spain	54	18	33.3	→
15	Germany	98	31	31.6	↓
16	Belgium	24	7	29.2	↓
17	Greece	24	7	29.2	↑↑
18	Portugal	24	6	25.0	↓
19	United Kingdom	78	19	24.4	↑
20	Larvia	9	2	22.2	
21	Czech Republic	24	5	20.8	
22	Italy	77	14	18.1	↑
23	Poland	53	7	13.2	
24	Cyprus	6	0	0	
25	Malta	5	0	0	
Total		729	221	30.3%	↓

Source: Data from August 2004, compiled from the European Parliament Website.¹⁴

Table 3: Women and Men Chairpersons of Political Groups in the European Parliament

Political groups	Chairpersons		Vice-chairpersons	
	Women	Men	Women	Men
European People's Party (PPE)		1	1	6
Party of European Socialists (PSE)		1	3	4
Group of the Alliance of Liberals and Democrats for Europe (ALDE)		1	3	1
Greens/European Free Alliance (V/ALE)	1	1		
Confederal Group of the European United Left/Nordic Green Left (GUE/NGL)		1	3	1
Independence and Democracy Group		2		
Union for a Europe of Nations (UEN)	1	1		4
Total	2	8	10	16
Percentage	20%	80%	38.5%	61.5%

Political Groups of the European Parliament

The situation is not good in terms of women's representation in the governing bodies of the European Parliament—the situation has even deteriorated with regard to some posts following the 2004 elections. Women hold only 15 percent of chairs of parliamentary committees and only two political groups are co-chaired by women (20 percent of chairpersons). This shows that the position of women is still weak in terms of their internal influence within the European Parliament.

Council of Ministers

Given that the Council of Ministers is composed of national ministers, the percentage of women is directly related to the presence of women in national governments, around 23 percent.

European Commission

Until April 2004,¹⁶ 25 percent of Commissioners were women (1999–2004 legislative period), signifying no progress in comparison to the past. For the 2004–2009 legislative period, eight women (out of 25) have been nominated to the Commission, taking the rate of participation of women to 32 percent, the highest to date. However, only one of the five vice-presidents is a woman and a woman has never been appointed president of this body.

The EWL Position: The Need to Move towards Parity Democracy in Europe

At the 2002 EWL General Assembly, delegates of the European Women's Lobby approved several motions emphasizing the need to lobby for the introduction of parity democracy at the EU level. Parity democracy, which implies equal representation of women and

men in decision-making positions, is based on the understanding that the essence of humanity is duality, and that both sexes should be represented whenever decisions are made that affect their lives. It is obvious that, on the whole, men and women behave differently and have different interests.

Parity is a goal to be attained. While it may be achieved progressively, one must always bear in mind the ultimate objective of equal participation of women and men in all areas of life, particularly in politics.

Another significant point is that women are represented in all social groups; they are neither a minority nor a category (such as class or ethnicity). This is important with respect to reflection on quotas and parity. If quotas can serve as a useful means with which to make up for the lack of representation of a certain category, it is important to recall the fundamental conceptual difference with parity. Quotas can be perceived as a 'ceiling' used to protect the rights of a minority and to ensure its participation in decision-making forums. But, as noted above, women are neither a minority nor a specific category: they represent more than one-half of humanity—a quantitative dimension—and one of its two components—a qualitative dimension. Therefore, parity goes a step further than quotas. Parity is about power-sharing and participation on an equal basis (50/50) or from 40/60 to 60/40.¹⁷ In other words, fundamental to parity is the claim that men and women must be equally represented in decision-making positions, whereas quotas are a means of achieving fair representation. The following are some examples of parity legislation adopted by EU member states:

Table 4: National Constitutional Provisions on Parity Democracy or Positive Action¹⁸

Constitutional provision	Old EU Member States	New EU Member States ¹⁹
Specific gender equality provision	Six out of 15 countries Belgium (art. 10), Finland (Chapter 2, section 6.4), Germany (art. 3.2), Greece (art. 4.2), Portugal (art. 9), Sweden (art. 2.3)	Three out of 13 countries Hungary (art. 66.1), Malta (section 14), Poland (art. 33)
Clause on active measures by states/positive action for the promotion of equality ²⁰	Nine out of 15 countries Austria (art. 7.2), Belgium (art. 11 bis), Finland (section 6), France (arts. 3 & 4), Germany (art. 3.2), Greece, Italy (51 & 117), Portugal (arts. 9 & 109), Spain (art. 9.2)	Two out of 13 countries Hungary (art. 70/A Section 3), Malta (section 45.11)

The concept of parity is also useful as it gives arguments in favour of specific bodies and mechanisms for gender equality and to put pressure against the tendency (including at the EU level) to merge all anti-discrimination measures into single programmes/institutional mechanisms.

More than ever, it is necessary for European institutions to commit themselves to parity democracy. This is for the following reasons:

- EU Member States have committed themselves to gender equality many times at the international, European and national levels.
- Gender equality is related to fundamental notions about the quality of social justice, human rights and the nature of democracy.
- Gender equality is a prerequisite for participatory democracy and for sustainable human and economic development.
- There are strong indications that the inclusion of both sexes in policymaking bodies leads to decisions that better meet the interests and needs of a diverse citizenry, thus promoting better allocation of public resources.
- Gender balance leads to the introduction of new and/or forgotten issues on the policy agenda.
- As they constitute the majority of citizens and taxpayers, women must be engaged equally in political decision-making, including with respect to decisions on economic matters and the spending of public money.
- Democracy is a privilege and, within the democratic system, political parties are in a privileged position (public funding, main entry point into politics). It is legitimate, therefore for citizens and taxpayers to demand that political parties function more democratically and to call for some degree of accountability.

It has to be noted, too, that some groups of women, such as women of colour, migrant and ethnic minority women and disabled or young women, are even less visible in the decision-making sphere (political, as well as social, economic and cultural).

EWL Activities in the Area of Women in Decision-making

The promotion of women in decision-making is naturally an important area of activity for EWL. It has been actively promoting equal representation of women in the European institutions, especially the European Parliament.

An example of not very successful lobbying: The Convention on the Future of Europe, 2001–2002

Given that women were poorly represented (14 percent) in the convention tasked with drafting the Charter on Fundamental Rights of the EU, EWL wanted to ensure that the same thing would not happen with the convention in charge of thinking about the future of Europe. Thus it started to send out letters to decision-makers highlighting the need for equal participation between women and men in autumn 2001. On the eve of the official opening of the Convention, EWL launched a European campaign entitled ‘Put your weight behind equality in Europe’, based on a postcard petition. Despite the lobbying and campaigning, only two of the 12 members of the Presidium of the Convention were women. The president and the two vice-presidents were men. In total, women made up just 14 percent of the Convention on the Future of Europe.

Action connected to the European Parliament elections of June 2004

By virtue of its representative nature, the European Parliament constitutes an essential means of promoting equality and social justice. It was seen as essential, therefore, to improve the representation of women in the European Parliament in the elections of June

2004, especially in view of the enlargement of the European Union in May 2004. The EWL started work on this in 2003.

EWL supported the gender-equality-related amendments to the Leinen report of May 2003 tabled by the Green group in the European Parliament.²¹ Unfortunately the amendments (aimed at linking funding of political parties to gender equality criteria) were not adopted by the European Parliament.

A lobbying kit was also put together that focussed on women and the European elections, containing, for example, information on national Constitutions and gender equality. Since elections to the European Parliament are still organized according to national rules, the objective was to support the actions of EWL member organizations and women's organizations in general aimed at achieving better representation of women on electoral lists and in the European Parliament. In parallel, EWL wrote to all national political parties asking them to put women in eligible positions on their lists of candidates. It also collaborated with member organizations to press for the nomination of women Commissioners in the first half of 2004.

Challenges and Opportunities: How to Introduce Parity Democracy in Europe

An integrated approach to achieve gender equality

EWL believes that inequalities between women and men form part of a continuum and are deeply rooted in national mentalities, as well as in different social structures. Hence it is very unlikely that isolated measures will prove effective in achieving gender equality. Other issues must be taken into account, including those linked to stereotypes, how women are portrayed in the media, social policies, and the existence of real opportunities for women (and men) to combine family and working life, as well as to more fundamental matters like violence against women. This is why EWL always tries to work at several levels and to establish connections between different issues.

Much remains to be done, though, to achieve equality between women and men in all areas. Progress remains particularly slow in the economic sphere, where different obstacles linked to women's situation in the labour market and in society combine to make it difficult for them to break through

the 'glass ceiling'.

The introduction of parity democracy at the EU level is thus a challenge that the EWL took up and tried to meet using different strategies. It took advantage of the different windows of opportunity that manifested themselves in the past few years in the realm of European policymaking (see below).

A new European directive?

The concept of parity democracy was included in the 'shadow directive' drafted by EWL that pertains to the proposed new directive on gender equality in all areas, which the European Commission put forward in November 2003. Unfortunately, the scope of the directive (which was adopted in December 2004) concerns only equal treatment of women and men with respect to goods and services—the issue of women in decision-making was not included. When presenting its proposal in 2003, the European Commission stated that it was the first of a series of European directives on gender equality. However there is nothing to indicate that the Commission has any intention of putting forward a new proposal in the near future.

No progress on the treaty establishing a Constitution for Europe

EWL has been lobbying for the introduction of parity democracy in the Constitutional Treaty being drafted by the Convention on the Future of Europe. Unfortunately, although equality between women and men is now a core EU value, the text of the treaty establishing a Constitution for Europe (agreed by the Inter-Governmental Conference in June 2004) does not make reference to women in decision-making. The earlier draft of the Convention on the Future of Europe for Article I-26§2 on the nomination of the Commission stated that each member state would have to put forward three names, 'in which both genders were represented'. This requirement was removed and member states are only required to put forward names based on general competence, commitment to the goals of the European Union and their independence. Clearly this is a disappointment and weakens the possibility of ensuring a gender-balanced Commission.

Key lessons

What is extremely interesting to note is that EU institutions are used to dealing with different criteria on decision-making positions, including quotas per country and quotas for political parties. Nonetheless, the gender criterion always seems to be unacceptable

and, in any case, is rarely employed when it comes to defining rules, or, even worse, when making nominations.

At the same time, recent events (in particular the extreme difficulty experienced in trying to introduce gender-equality-related issues into the discussions of the Convention on the Future of Europe) have shown that better representation of women in decision-making is needed at the European level, in order to make further progress towards ensuring equality between women and men in policies.

EWL has been actively lobbying to have parity democracy adopted and implemented at the European level. However, the different strategies employed by the EWL to date have failed, mainly because of a lack of political will and a lack of support for gender equality in decision-making at the European level.

EWL will continue to lobby for parity democracy in Europe through different means:

- It will continue to lobby for an integrated approach to gender equality, linking different policy areas. Gender equality in decision-making will not be achieved without measures being introduced in other areas, such as more gender-sensitive social policies.
- It will lobby for another European directive on gender equality, although this is a medium-term goal.
- It will explore other ways of achieving gender equality, through, for example, the internal rules of the European Parliament and of political parties, including the question of public funding for political parties and internal democracy.
- It will continue to question political parties and to place more pressure on them, as they are still the main point of entry to political life in EU countries.
- It will continue to network with women's organizations, to ensure that decision-makers hear the same message at different levels and in order to put pressure on them to act on their commitments.

Endnotes

- 1 Division for the Advancement of Women, 2004. Convention on the Elimination of All Forms of Discrimination against Women. See <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>
- 2 As of June 2003, 174 countries are party to CEDAW, 90 percent of members of the UN.

- 3 United Nations Development Fund for Women See <http://www.unifem.org>
- 4 Council of Europe. See <http://www.humanrights.coe.int/equality/Eng/WordDocs/Document%20list.htm>
- 5 Articles 2, 3(2), 13 and 141.
- 6 European Commission, Gender Balance in Decision-Making. See http://www.europa.eu.int/comm/employment_social/equ_opp/decision_en.html
- 7 Council Directive, 76/207/EEC, on the 'Implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions'.
- 8 Although its case law has evolved from a rigid position (Kalanke case C-450/93, 17 October 1995), it is not certain that the court will recognize the new provision as a guarantee of substantive equality.
- 9 Decision on Gender Balance within the Committees and Expert Groups taken on 19 June 2000 Official Journal. 27 June 2000. L 154. p. 34.
- 10 European Parliament resolution on a draft common procedure for elections Resolution A4-02212/1998.
- 11 As of August 2004.
- 12 Evolution compared to number of observers for new member states.
- 13 ↑↑ indicates a rise of more than ten percent.
- 14 http://wwwwdb.europarl.eu.int/ep6/owa/p_meps2.repartition?ilg=EN&iorig=home
- 15 European database on women in decision-making: http://www.europa.eu.int/comm/employment_social/women_men_stats/out/measures_out416_en.htm.
- 16 Anna Diamantopoulou was replaced by Stavros Dimas in April 2004, resulting in the percentage of women Commissioners falling to 20 percent.
- 17 It would be desirable to set the participation of both sexes at a minimum level. This level (usually 40 percent) has been called the 'parity threshold'.
- 18 Most of the English versions of national constitutional provisions are taken from the following website: <http://www.oefre.unibe.ch/law/icl/home.html>.

- 19 Thirteen countries, including the following three candidate states: Bulgaria, Romania and Turkey.
- 20 In some cases, this concerns the promotion of women in decision-making.
- 21 EU COM (2003) 77 - C5-0059/2003 - 2003/0039(COD).