

## **Plenary Session 1: Women, Power and Decision Making**

**Siobhán Mullally, Director, Centre for Criminal Justice and Human Rights, School of Law,  
University College Cork**

The Beijing Declaration and Platform for Action identified inequality between women and men in power and decision-making at all levels, as a critical area of concern.

Twenty years later, it remains a critical area of concern.

The 2013 Report, TOWARDS GENDER PARITY IN DECISION-MAKING IN IRELAND: AN INITIATIVE OF THE NATIONAL WOMEN'S STRATEGY 2007 – 2016, highlights the continuing difficulties in securing greater representation of women in decision-making and leadership positions.

Ireland of course is not unique.

In the Beijing plus 20 regional review, for the European and Central European (ECE) region, published in Nov 2014, the inequalities documented in women's political participation, in managerial posts or on the boards of corporations, shows a particularly egregious inequality.

Only four countries – from a total of 57 – exceed 30% representation of women in Parliament. Ireland is 12<sup>th</sup> from the bottom of that list.

Across the EU, women remain under-represented in decision making positions, particularly in politics and in leadership positions in business. As of end of 2014, women accounted for 28% on average of members of the single or lower houses of parliaments in EU MS.

In the corporate sector, as of Oct 2014, women accounted for just 20% of board members of the largest publicly listed companies registered in EU MS.

The European Commission has proposed a Directive to require 40% representation of women on corporate boards. In Ireland, we have accepted the requirement for gender

quotas in candidate selection, the Electoral Funding (Amendment) Act 2012, introducing a significant financial incentive 'to encourage political parties to apply a more equal gender balance in the selection of candidates'.

In the European context, it is notable that most progress can be seen in those states where mandatory legislative measures for more equal gender representation are introduced. Significant progress was made in Norway for example, the first country to introduce gender quotas in corporate board representation. 'Reaching a balanced participation' was presented as a question of democracy and democratic accountability, given the role that corporations play in negotiating with Govt and other economic actors in matters of public policy.

In 2011, France introduced new legislation on equal representation of women and men on corporate boards, and in 2012, in relation to senior management positions in public functions.

- (Law on equal representation of women and men on supervisory boards), requires 40% women on supervisory boards of listed companies and companies with more than 500 employees or an annual turnover of more than € 50 million by
- (Law on employment in the public sector and fight against discrimination), requires 40% women in senior management positions of public functions by 2018

Obstacles remain however.

Inequality in power and decision-making in the private sector is pervasive. Women represent only a limited proportion of employers. As employers, they employ fewer people, and in lower income sectors.

As women outlive men, head the majority of single-parent households, and are overrepresented in the lowest-paid jobs, they outnumber men among pensioners, recipients of child-related social benefits and minimum wage earners respectively. Women are overrepresented in public employment in many ECE countries. Yet, cuts to the public

sector, pensions, child benefits and minimum wages have been the most prevalent austerity measures.

In Ireland, we will have a referendum on marriage equality, a welcome step, and we hope will pass, as a matter of equality and human rights. Yet, the constitutional text remains highly gendered.

No referendum is planned to remove the gendered references to women's duties and place within the home. A referendum on the 8<sup>th</sup> amdt, to give women back decision-making power over reproductive and sexual health is not planned in the term of the current Govt.

Against this background, inequalities in power and decision-making will persist.

Reflecting on the adoption of the Beijing Declaration and Platform for Action, Diane Otto, Prof of Human Rights law at Melbourne University, described it as 'holding up half the sky', but questioned for whose benefit?

Although women and poverty was the first priority area covered by the Beijing Platform for Action, the issue of poverty, or the theme of development generally, is not opened up to fundamental re-evaluation.

A dominant strategy, proposed in the Platform for Action is to promote the equal participation of women in related decision-making. The participation of women on equal terms with men, without more fundamental structural change, will not make a significant difference to the gendered, competitive, and exploitative operations of global and local economies.

Michelle Bachelet, then Executive Director for UN Women, speaking in Dublin in 2013, commented that one very important lesson we have learned from the MDGs is that our focus on numbers and averages distracted us from addressing the deeper, structural causes triggering poverty and inequality.

Root causes or what human rights lawyer, Susan Marks, refers to as 'planned misery', must be addressed if quotas and positive action measures are to make a real difference to the lives of women and girls, facing many overlapping axes of discrimination and disadvantage.

NGOs and activists, and some Govt delegations, fought hard at Beijing to ensure that the diversity of women's interests and rights claims were included.

But throughout, we saw resistance to the inclusion of rights claims supporting the girl-child, women's right to autonomy in decision-making in reproductive and sexual health, or references to discrimination on 'other status' (reflecting a concern that this might include sexual orientation).

20 years later, we need to continue to challenge and question who benefits from a process of 'adding women in', the move to a greater commitment to a 'politics of presence'.

A politics of presence calls for a radical approach to representative democracy, one that demands increased representation of traditionally marginalised groups, including women, in decision-making structures, in both public and private sectors.

In the public sector, increased representation of women is essential to the democratic legitimacy of the state.

In the private sector, a 'business case for diversity' is often made, to support gender quotas on corporate boards for example. Improved representation of women is also directly linked to questions about legitimacy and power exercised by the corporate sector. We are currently drafting a National Action Plan on Business and Human Rights. Gender equality needs to be addressed and integrated into that plan. International labour standards are frequently ignored, or circumvented through exemptions and exclusions. Ensuring that inequalities in power and decision-making are addressed requires strong support for the rights standards that underpin the decent work agenda of the ILO, UN Women and CEDAW.

Women's political presence may be a necessary precondition for realising women's human rights and the goals of gender equality, but it is not sufficient.

A politics of presence, cannot be at the cost of a continuing politics of ideas, a commitment to achieving substantive equality that rejects failures to equality proof budgetary decisions, to check on their impact on women and men, but more particularly on those women and men most disadvantaged, whether by reason of socio-economic status, disability, 'race or ethnicity' or immigration status.

What is needed is a politics that recognises the radical potential of increased women's participation in decision-making structures, at all levels, but one that also acknowledges the many overlapping axes of discrimination and disadvantage encountered by women.

While a politics of presence, and mobilisation to increase women's participation in structures of power can be transformative, it is not necessarily so.

To give three examples in the Irish context:

In the system of Direct Provision, women asylum seekers and victims of trafficking, continue to be denied control over everyday aspects of their lives, and those of their children, often for lengthy periods of time – several years.

The Beijing Declaration and Platform for Action, foregrounded in equalities in power and decision-making as directly linked to violence against women. The European Court of Human Rights, and CEDAW have recognised violence against women as 'discrimination against women'. Ireland has not yet signed or ratified the Istanbul Convention on Violence Against Women and Domestic Violence.

Ireland's National Report on the Beijing plus 20 review, notes that there may be legal difficulties presented, linked to the protection of property rights. These obstacles are now being addressed, but such delays reflect the continuing hesitation in ensuring that effective remedies are available to women in situations of domestic violence.

The National Report also notes that women in Ireland enjoy the full range of human rights including sexual and reproductive health in accordance with the Beijing Platform and the ICPD.

At Ireland's review before the UN Human Rights Committee in July 2014, many will remember the Committee's chairperson, Nigel Rodley, questioning Minister Fitzgerald on whether symphysiotomies were carried out with women's consent. Were women given decision-making power or autonomy in matters of reproductive rights. The Minister responded, commenting that this was an era when women were not often asked for their opinions, or listened to.

Sadly, in the field of reproductive and sexual health, this remains true today, and inequalities in power and decision-making persist. Addressing those inequalities, requires a radical re-thinking of the requirements of democratic representation and accountability.