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## Equality of the sexes, requirement for parity democracy

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by Jane Dinsdale\*

I would like to address my thanks to Madam President Marangopoulos for taking the initiative to organise this seminar on parity democracy. The prospect of debating this issue with such a distinguished audience of women leaders from all over the world is most stimulating.

I would also like to introduce myself and my place in the structures of the Council of Europe, since I see a link with the subject of today's seminar. I am Head of Division in the Directorate of Human Rights and have three sectors under my responsibility: the mass media, equality between women and men, human rights education and information.

I am one of six women Heads of Division in the Council of Europe, out of a total of forty two; and this is a fairly recent phenomenon: some 10 years ago there was only one woman heading a Division. Until this year, there were no women Deputy Directors. We now have one woman out of a total of twelve Deputy Directors. We have no women Directors! I believe this *micro-portrait* demonstrates how difficult it is for women to acquire positions of leadership generally, notwithstanding the increased presence of women in the professional ranks (for example, in the Council of Europe, there are some sixty two women out of a total of one hundred and ninety nine in the administrative grades beneath Head of Division level). I am however optimistic that the situation of women will improve in the Council of Europe for reasons which I shall expose subsequently. I would recall in this context that the gradual improvement of the situation of women employed within the Council of Europe is largely the result of the sustained efforts of the Council of Europe's Committee on equality between women and men which, already in 1980, took a stand on the matter and drew attention to various measures to be taken.

I have been asked to talk about equality of the sexes as a requirement of parity democracy.

I would like to preface by intervention with three observations:

— firstly, parity democracy is not, in my view, a new theory. It is both a precondition of democracy and a strategy for achieving it;

— secondly, I wish to stress that my intervention must in no way be interpreted as pleading in favour of the theory of biological differences and complementarity of the sexes. Some analysts have indeed suggested that parity democracy is based on such a theory. I would refute that and hope that my intervention will demonstrate it;

— thirdly, parity democracy as a strategy was created within the framework of the Council of Europe, thanks to the work of its Committee on equality as from 1989. It should therefore be said that most of the ideas expressed in my intervention have emerged from the ongoing work of the Council of Europe in this area.

If we ask the question "why does parity democracy require equality?" my answer—in a nutshell— would be as follows:

Parity democracy, which is a political precondition for a democratic regime

alongside other essential requirements such as *universal suffrage* and the separation of powers, is based on the recognition that the people, that humanity is composed of women and men, who are both equal in dignity and value. Democracy can only be genuine when it embraces human beings as they really are and they are women and men and not some form of abstract, neutral entities. The full recognition of equal rights for all human beings—women and men—is thus an essential basis for parity democracy.

There is one invariable in our multifaceted societies throughout the planet: that invariable is that we are either women or men. Democracy is not democracy if it is only a masculine one as it is mainly today, since it ignores one part of human beings: women. A democracy that is built on the basis of parity: i.e. recognition of the equal value and dignity of women and men and of what both women and men can offer society, is the only democracy that can qualify as a democracy. But parity democracy also legitimises equality itself through the recognition of the fact that the human being is not an abstract neutral entity—but woman and man— thereby evincing some of the difficulties to the achievement of *de facto* equality attach-

ing to a purely neutral and abstract vision of the world. And here we need only to refer to the gap between formal equality enshrined in the law and the *de facto* inequalities which continue to subsist.

That, in a nutshell, is my explanation of why parity democracy requires equality between women and men.

Clearly, however, such a succinct answer to the question is unlikely to satisfy such an eminent audience.

Perhaps therefore—and without repeating what our distinguished President has said in her statement—we should place parity democracy and equality in its context.

*Equality of rights for everyone, in all walks of life, irrespective of social status or other condition, is a universally and generally recognised basic principle of law which finds its expression in major international and national legal instruments, such as the Universal Declaration of Human Rights, the UN Covenants and numerous constitutional texts not least of which the French Declaration on the rights of Man and the Citizen.*

Notwithstanding this universally recognised principle of human rights, women have not achieved genuine equality with men as various samples taken from different walks of life will show. The universality of equality as applied to women's situation in society has proved to be insufficient in practice, as is borne out by the very existence of such instruments as the UN Convention on the Elimination of all forms of Discrimination against Women and, more recently, by the wide acknowledgment of the need to introduce the fundamental right of women and men to equality into one of the most sophisticated and most effective regional instruments for the protection of human rights—the European Convention on Human Rights. It is indeed a known fact that instruments such as the European Convention on Human Rights have not been very effective in defending women's rights barring a few notable exceptions. In other words, it is acknowledged that the universal concept of equality of rights is not enough where gender is concerned. It must however be stressed that this does not mean that the principle of universality and indivisibility of human rights is thrown into question, but that the neutral, abstract expression of equality is insufficient when it comes to equality between the two parts of humanity: woman and man. Thus, the specific recognition of a fundamental right of women and men to equality is the legal expression of parity, i.e. the equal value and dignity of woman and man as real human beings, as opposed to abstract

notions.

If we consider the gap between formal equality and genuine equality, many examples can be quoted from the economic, educational, cultural and political spheres and which — I am sure — we shall be hearing about in the subsequent discussions.

If we take the latter sphere, i.e. equality in public and political life, history has shown how difficult it has been to integrate equality, both *de jure* and *de facto*.

For example, as our distinguished President has already said, in France, during the Revolutionary era, while the civil emancipation of women was foreseen (e.g. liberalisation of divorce) women were refused access to civic emancipation in its most concrete expression of the time: the right to vote.

Elsewhere in Europe, if we look at the trends regarding the vote for women, we shall see how slow our so-called democracies have been in integrating the idea of equality both in the functioning of democracy and in the values underpinning it.

In Europe, it was in Finland that women first obtained the right of suffrage in 1906, then in Norway (1913), Denmark and Iceland (1915). The second batch followed in the wake of reforms after the 1st World War, in Austria, Czechoslovakia, Germany, Benelux, Ireland, United Kingdom, Poland, Sweden and USSR.

Other European women had to wait until after the 2nd World War. However, by the end of the 1940s all European women, with the exception of the Swiss and Liechtenstein women, had obtained the right to vote. Swiss women obtained the right to vote in 1971. The women of Liechtenstein, for their part, had to wait until 1984.

This brief historic survey of the most simple and basic expression of women's right to equal participation in the democratic process illustrates both how difficult it has been to render the universal principle of equality of rights — in its abstract neutral expression — meaningful in the context of women's participation in democracy, and the link between democracy and equality. Indeed, from the moment women could vote, the obtaining of formal rights to equality was merely a question of time.

But can representative democracy satisfy itself on the mere basis of a right of suffrage for women and men citizens in order to qualify as a genuine democracy, i.e. the Government of the people, by the people and for the people? Clearly it cannot, because the people are men and women and both must be present equally in the functioning and usages of democracy. And yet, when we look

deeper into the participation of women in the decision-making processes in political and public life, the illustration becomes even more striking.

Theoretically, according to the universal principle of equality of rights, women enjoy a universal right to participate in decision-making in political and public life and to share political power. But if we look at the facts, the situation is very different indeed: if we take the IPU's statistics of 1990, the percentage of seats occupied by women in the Parliaments of European countries averaged 13.5% (with variations of 30-40% in 3 countries and 1-12% in 12 other countries). Since then, we know from various elections that these figures have fallen sometimes dramatically, particularly in Central and East Europe. If we look at the presence of women in Government, the average for the Council of Europe member countries, in 1991, was around 5.7%, with a high concentration of women occupying posts in traditional spheres such as social affairs, health, cultural, social welfare, etc. The examples of women in posts such as Finance or Defense are few and far between. Even if we take international bodies, such as the Council of Europe's own Parliamentary Assembly, the percentage of women is about 10%.

Given this tremendous gap between the formal equality and the actual position of women in political and public decision-making and if we accept the link between democracy and equality, the conclusion must be that the full participation of women on an equal footing with men and the sharing of power in the decision-making process in political and public life (as in all other walks of life) is the one and only path forward to genuine democracy. This will be a democracy that has a real face, a face which reflects both parts of humanity as it really is — woman and man — as opposed to its present-day one-sided face. This is the path of parity democracy, a democracy in which no one will be left out and no one will lose, because it is a path which will lead to more freedom, to more equality and to more democracy for both women and men.

The full exercise by women of power and their full participation in all formal and informal democratic processes is the only means to ensure that, when legislation and policies are being drawn up and implemented and decisions are taken, they will be fair and just and take into account not only men's interests but also those of women. Women's interests and concerns will no longer be marginalised as "gender" issues but will be placed on the political agenda as issues of concern to society as a whole (mainstreaming). As such, women's participa-

tion will be a factor of political, social, cultural and structural change, leading — as I already indicated — to more freedom, more equality and more democracy for both women and men.

And so, we have come full circle back to the original starting point: equality between women and men is a requirement for parity democracy.

At the same time, parity democracy enables us to build equality, which is no longer the formal abstract expression to be found in existing legal texts, but genuine equality based on the dual expression of humanity each having the same dignity and value. This is because parity democracy requires a full sharing of power and responsibilities between women and men in all walks of life: within the family, within the workplace, within the society and within the formal and informal democratic processes.

Thus, parity democracy requires the participation of a minimum percentage of both sexes in the decision-making processes in political and public life. However, such parity participation cannot be achieved by itself because the man-woman relationship is still a power relationship of dominator-dominated. The rule of parity participation needs therefore to be laid down by law. The "parity threshold" may be considered to be 40% minimum of each sex (cf. the example of Norwegian legislation). It must be stressed that this is not a quota in the traditional sense of the word, because the "parity threshold", contrary to quotas, applies to both sexes. The "parity threshold" is not therefore a means for promoting minority groups, but a legitimate instrument for safeguarding democracy and parity.

There are various modalities for achieving the "parity threshold" once it has been spelled out in law. I do not intend to discuss them in detail in this intervention.

Allow me nonetheless to give you the example of how the Council of Europe has tackled the matter with regard to the staff employed by it. The Committee of Ministers of the Council of Europe has recently introduced a reform in the Staff Regulations and Regulation on Appointments which, in essence, provides for a system of preferential treatment for the under-represented sex in cases where there is equal merit between two candidates of each sex for a given post. In such cases, the choice has to be in favour of the candidate of the under-represented sex in the staff category concerned. It is considered in the Regulations that there is under-representation when less than 40% of a given sex is employed in a given staff category.

I have mentioned this example mainly to illustrate that, while the reform will

undoubtedly facilitate women's access to the higher echelons, as well as to certain technical echelons—in cases where there is equal merit—it will also benefit men, for example, as regards posts traditionally reserved for women or categories where women are numerically predominant. This is an example of how parity democracy leads to more equality for men too.

Although it is too early to assess the impact of this reform (it was introduced in late spring of this year), I believe that it will have a greater impact than the actual wording of the reform requires. By enshrining the "parity threshold" in the legal framework governing the appointments, the reform will generate a "parity reflex" among those called on to participate in the appointments process, which, in turn, will create a climate conducive to the practice of parity democracy within the Organisation as a whole. As such, the "parity threshold" has an important pedagogical function.

Parity democracy also enables us to build equality by requiring a genuine sharing of family responsibilities and measures designed to reconcile professional and family responsibilities so that women can effectively gain a niche in the labour market and participate on an equal footing with men in the economy and in political and social life. Here too, this sharing of responsibilities and measures to reconcile family and professional life will also benefit men and ultimately lead to the political, social, cultural and structural changes I referred to earlier. This is because the "rules of the game" will no longer be based on the clear separation of family life from professional and public responsibilities (cf. working hours and methods of parliamentary bodies, stock exchanges, etc.).

Parity democracy will help build equality because it also implies the elimination of sexual stereotypes transmitted by the media, by the school, by the family and, not least of all through language.

The symbolism of language is important in this respect and this is not mere lip service to some vague concept of equality. Language is important because of the way it can convey stereotypes and models. And yet, language is one thing that each and everyone is in a position to control and use creatively. As women, we have a special responsibility to set an example by resolutely turning away from sexist usage in language.

Parity democracy also helps to build equality because it requires the shedding of out-moded power relationships between women and men, based on the dominated-dominator model, through the recognition of the equal dignity and value of woman and man. It implies therefore behavioural and attitudinal

changes in the man-woman relationship in the sexual and private spheres, as in all other spheres. This in turn implies, for example, freedom of choice for women in matters pertaining to personal and sexual life, including reproductive rights, and the eradication of all forms of violence (sexual, verbal, physical and psychological) against women.

Parity democracy also requires the clear and unambiguous formulation of the existence of both sexes, *inter alia*, in legal texts such as those proclaiming equality of rights. Hence the call for the inclusion of a fundamental right of women and men to equality in the European Convention on Human Rights. Although this may take time, the first steps have already been taken in this direction, with the recent creation within the Council of Europe of a specific group of specialists to work to this goal.

The implications of such an addition to the European Convention on Human Rights—adopted—would be far-reaching for women and, indeed, men. Potentially, it could affect all walks of life, even though the European Convention on Human Rights is concerned with relations between the State and the individual and not inter-personal relations as such. In this context it should not be forgotten that it transpires from the case law of the Commission and Court of Human Rights that States are not only under an obligation to refrain from violating human rights but may also be required to take action to ensure the effective enjoyment of rights. It is against this backdrop that positive action can be seen and justified, insofar as the right of women and men to equality is a fundamental right.

In the foregoing analysis, I have attempted to illustrate that, while equality between women and men is the backbone of parity democracy, such equality needs parity democracy in order to thrive. It needs those strategies which parity democracy imposes and which must be integrated in all walks of life and at all levels of society. This is the only way to secure that women's concerns and interests will be integrated as political issues into the formal and informal democratic processes (mainstreaming) and to overcome subsisting inequalities, where necessary, through specific positive actions.

The implementation of those strategies will necessarily require a combination of actions and concerted efforts involving:

1. Governmental institutions, including national equality machinery (equal opportunities boards, Government equality offices, equality Ombuds, etc.). The role of the national machinery is crucial in this regard and it is essential

that they acquire political clout—whether by virtue of the competences invested on them or by other methods. Mainstreaming in Governmental policy-making will largely be a result of their ability to "subvert" the system!

2. The civil society, in particular women's organisations and women's networks and human rights non-governmental organisations. It is particularly necessary, in my view, to involve the human rights non-governmental organisations and to alert them to the relevance of this issue for the overall human rights picture. If half the population is being denied the effective enjoyment of a most fundamental right, they should be concerned. In this respect, it is encouraging to note that certain human rights non-governmental organisations are becoming active on this front. It is important that women's organisations work together with human rights non-governmental organisations and human rights networks as well as other groups within society (e.g. non-governmental organisations focusing on educational issues, etc.). It is equally important that women's organisations work together with and enter into a dialogue with men. So long as these issues remain within the closed circles of women's organisations, we shall not make much headway.

3. Political institutions in the broadest sense (not just the political parties, but also the social partners (industry and unions) and other groups involved in the community). These institutions and groups must become active promoters of equality. They may do so initially in order to pay lip-service to equality, and to promote their own image. However, once the process has been initiated, experience has shown that it will be difficult for them to back track (Nordic women participating in various symposia have recounted this experience with regard to those political parties in their countries which have not formally adopted a quota or similar mechanism). In other words, such institutions, particularly political parties, trade unions and management and industry unions, must be pressurised into promoting equality.

What are the strategies that parity democracy imposes?

The following are some schematic indications of the general strategies which parity democracy imposes in the legal/constitutional field, education and culture, economic life and political and public life. I would stress their schematic character: each point will need spelling out and shaping into concrete actions and initiatives devolving on the various actors mentioned above.



#### **Ad. legal/constitutional field**

Reforms in the legal/constitutional field will be necessary in order to establish the tools for implementing parity democracy.

Over and above the introduction of a "parity threshold" referred to earlier, these tools may range from special temporary measures and positive action, to targets to be attained in various sectors.

#### **Ad. education and culture**

The goal must be to make all those involved in the educational field aware of the values of human rights, genuine democracy and the right to equality for women and men, in terms of parity democracy.

These notions must be integrated into formal education curricula, non-formal education activities, adult education, as well as further and vocational training.

New models should be developed as regards women's and men's roles in the political, economic, cultural and social life, as well as in family life. Here, the school and the media have an important function in this regard, but also language, as I mentioned earlier. The elimination of sexist usage in pedagogical and other materials and the feminisation of occupations is one way of conveying such new models.

#### **Ad. economic life, particularly the labour market**

The strategy should be for women to gain access to work on equal terms with men and enjoy equal opportunities — including in career development and ac-

cess to leading posts — in order to overcome the current occupational segregation.

This requires:

— equal access to training, employment and promotion;

— equal pay for work of equal value, including the up-grading of traditional women's work;

— widening the occupational choices for both young women and men (to overcome sex segregation).

The harmonisation of family/private and professional life is a major strategy calling for attitudinal changes and redefinition of women's and men's roles in working and family life based on equal partnership (see above), flexibility of work organisation and working patterns, parental leave for both women and men, provision of adequate childcare and other social support structures.

#### **Ad. political and public life**

Here we can identify five main general strategies viz:

— support for effective women's participation in political life including co-optation and appointment of women in political parties, trade and industry unions, etc.;

— equitable representation of women in governmental and non-governmental political structures (local, regional, national and international) and in all spheres of political life;

— re-evaluation of traditional political issues and integration into the political arena of other issues —such as social support structures— to be considered as important political issues. The same applies to matters such as family planning, reconciliation of family/private and

occupational life, hitherto considered as issues for the private sphere;

— recognition of a wider range of experience acquired by women in their life in the community, and in their everyday responsibilities, as a qualification for political life;

— sensitisation and training for politicians and public servants as regards equality issues.

Over and above these short and medium-term strategies, the usefulness of theoretical and empirical research to assess the effective implications of parity democracy must also be noted.

This is —I recognise — an ambitious programme which obviously cannot be implemented overnight and which will require federated efforts on the part of all actors concerned.

In the Council of Europe, we shall be contributing to its implementation over the next few years to the best of our abilities.

In addition to our on-going work in the field of equality, the Council of Europe has recently initiated a major multidisciplinary project —involving various Council of Europe departments and intergovernmental committees— on "Human Rights and Genuine Democracy". Parity democracy will constitute one of the principal thrusts —if not the backbone— of that Project, which we hope shall produce tangible results leading to more freedom, more equality and more democracy for both women and men.

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