

IS THERE ANY “MAGIC FORMULA” FOR ACHIEVING WOMEN’S ECONOMIC OPPORTUNITY AND INCLUSION IN DECISION-MAKING IN THE PUBLIC AND PRIVATE SECTORS WORLDWIDE?

—LOOKING AT SOFT LAW, HARD LAW, STATISTICS AND
“NATIONAL MACHINERY” AS DEFINED IN THE
UNITED NATIONS CONVENTION ON THE ELIMINATION
OF DISCRIMINATION AGAINST WOMEN (CEDAW)—

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I Introduction

Japan was not highly ranked in the economic participation and political empowerment areas in the 2016 World Economic Forum Gender Rankings (two of the factors in the Beijing Plan of Action which are reviewed when countries submit their periodic reports to the United Nations for review and feedback). We did comparative research, sampling top, middle and bottom-ranked countries among 144 ranked worldwide by the World Economic Forum in 2016. We selected countries from various regions of the world and posed some questions as we studied statistics, CEDAW reports, Inter-Parliamentary Union (IPU), law firm and other reports on laws, policies and strategies in the respective countries selected.

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*II Statistical Overviews of Selected Top, Middle and
Bottom-Ranked Countries in the World Economic
Forum Gender Rankings Report 2016 – Focusing on
Economic Participation and Political Empowerment*

Table 1 shows how each country which we selected was evaluated among 144 countries in the Global Gender Gap Report 2016 and in its respective World Economic Forum country profile. We selected data related to economic participation and political empowerment. For statistics about the proportion of women in the lower house, we used the latest data provided by the Inter-Parliamentary Union. The reason why we chose those countries are: Norway and Sweden as examples of countries in which a high degree of gender equality has been achieved; The Philippines was an example of the best performance among Asian countries; New Zealand ranks in the top ten year after year and is the country selected from the Oceania region; Mexico, although not in the top ten of the rankings, is an example of the best performance among Latin American countries. On the other hand, the Republic of Korea and Japan were lowest ranked in Asia, and Yemen was lowest ranked worldwide.

Table 1

		Norway	Sweden	Philippines	Republic of Korea	Yemen	Mexico	New Zealand	Japan
	Global Gender Gap Index (2016)	3	4	7	116	144	66	9	111
Economic Participation	Economic participation and opportunity	7	11	21	123	141	122	24	118
	Labor force participation	13	12	107	91	134	120	40	79
	Wage equality for similar work	5	35	7	125	79	128	23	58
	Law mandates equal pay	Yes	No	Yes	No	No	No	No	No
	Law mandates non-discrimination in hiring women	Yes	Yes	No	Yes	No	Yes	Yes	Yes
Political empowerment	Political empowerment	3	6	17	92	139	34	16	103
	Women in Parliament	14	4	–	90	134	6	36	122
	Proportion of women in the lower house*	39.6	43.6	29.8	17	0	42.4	31.4	9.5
	Voluntary political party quotas	Yes	Yes	Yes	Yes	–	Yes	–	–

*The data is from Inter-Parliamentary Union (2016). Women in Parliaments: World Classification. (1 December 2016). [ipu.org](http://www.ipu.org/wmn-e/classif.htm).

Retrieved 2 January 2017, from <http://www.ipu.org/wmn-e/classif.htm>

Other data from *Rankings*. (2017). *Global Gender Gap Report 2016*. Retrieved 2 January 2017, from <http://reports.weforum.org/global-gender-gap-report-2016/rankings/>

Table 2 includes longitudinal overall rankings for the top ten countries which we studied:

Table 2

Rank \ Year	2015	2014	2013	2012
1	Iceland	Iceland	Iceland	Iceland
2	Norway	Finland	Finland	Finland
3	Finland	Norway	Norway	Norway
4	Sweden	Sweden	Sweden	Sweden
5	Ireland	Denmark	Philippines	Ireland
6	Rwanda	Nicaragua	Ireland	New Zealand
7	Philippines	Rwanda	New Zealand	Denmark
8	Switzerland	Philippines	Denmark	Philippines
9	Slovenia	Belgium	Switzerland	Nicaragua
10	New Zealand	Switzerland	Nicaragua	Switzerland

Table 3 compares four recent years of rankings for the middle and lower-ranked countries:

Table 3

Year \ Country	Mexico	Japan	Republic of Korea	Yemen
2015	71	101	115	145
2014	80	104	117	142
2013	68	105	111	136
2012	84	101	108	135*

*Source: World Economic Forum, Global Gender Gap reports, for the respective years. It should be noted that Yemen has been the lowest-ranked country each year, and that the World Economic Forum has been including more countries in its rankings each year.

III The top performers

Norway and Sweden, Scandinavian countries, have been actively working on gender equality policies and legislation, and the disparity between men and women is quite small. What is interesting is that Norway has adopted quotas to achieve equality in some areas, such as the appointment of women to corporate boards, while Sweden has adopted a “soft law”⁽¹⁾ approach up to now, but is considering quotas in some instances. In Norway, the Gender Equality Act was adopted by the parliament in 1979 and has subsequently been amended several times.⁽²⁾ In Sweden, gender discrimination in the workplace was made illegal and then in 1991 the law on gender equality was introduced.⁽³⁾ In 2009, this law was replaced by the Discrimination Act. It states that employees have to receive equal pay for equal work and have equal opportunity.⁽⁴⁾ Thanks to their legislation and other mechanisms, as well as various gender equality policies, Norway and Sweden have consistently been

ranked within the top ten countries in the World Economic Forum Gender Gap Index.

Another country which surprised us based on its consistent annual ranking in the top ten worldwide is in Asia: the Republic of the Philippines. It was the first country to ratify CEDAW among ASEAN countries (in 1981) and has been performing much better than other ASEAN member countries.⁽⁵⁾ The reason stated for The Philippines’ positive performance is that it is largely due to the strong initiative by the government. The National Women’s Machinery, namely the Philippines Commission on Women (PCW), has played a major role, and the country has adopted effective legislative and policy mechanisms.⁽⁶⁾ Republic Act No. 9710, which is called “the Magna Carta of Women”, is one of them. It aims for the elimination of discrimination against women.⁽⁷⁾ The government policy also supports a 50-50 gender balance in all decision-making processes.⁽⁸⁾ The proportion of women in the lower house is far less than 50%, however, almost a third of the seats are occupied by women now.⁽⁹⁾ There may be various lessons for the ASEAN region to learn from The Philippines.

*IV Mexico - Mid-ranked country, not top in its region,
but improved in ranking, and legislative reform
appears effective*

In Mexico, gender roles have been traditional and deep-rooted. In other words, it is the generally-accepted idea that a man is the single provider for the household, while a woman should be in charge of childcare and the home,⁽¹⁰⁾ however, with respect to political empowerment, Mexico has achieved significant change. In the lower

chamber, 37.2% of the House was occupied by women in 2012. It was almost twice the proportion observed in 2009. In the latest reform, in 2015, 42.4% of the House was female. This was the result of two decades of lobbying to make political parties follow a legal obligation to fill at least 40% of their candidate lists with women.⁽¹¹⁾

V Lowest ranked countries

On the other hand, another Asian country, the Republic of Korea, is far from having achieved gender equality, although it launched the Ministry of Gender Equality in 2001 and since then has been working on several gender equality policies. For instance, the Framework Act on Gender Equality, which was originally enacted in 1995 as the Framework Act on Women’s Development, was only passed by the National Assembly in 2014.⁽¹²⁾ In 2007, the Act on Gender Equality in Employment and Work-Family Balance was adopted.⁽¹³⁾ With respect to political empowerment, the government has established an action plan to make the proportion of women on government committees over 40% and to prevent one particular sex from occupying more than 60% of committee membership.⁽¹⁴⁾ Nonetheless, South Korea’s gender ranking worldwide is low and continued to decline as of 2016.

The situation for women and girls in Yemen has been poor and now it is critical because of ongoing conflict.⁽¹⁵⁾ Women do not have enough access to resources, information and power in decision-making processes. Moreover, men and boys have been recruited to fight and women and girls do not have a choice of roles, other than being in charge of household work.⁽¹⁶⁾ With respect to political participation, not a single woman was elected in the last election for the House of Representatives,

which took place in 2002 (this was supposed to be reformed every 6 years but has been postponed several times).⁽¹⁷⁾ Yemen has a myriad of obstacles to overcome in order to attain gender equality.

VI What is “national machinery” and what are some positive examples?

Gender equality machinery, according to one definition, is “an institutional, governmental and, in some cases, parliamentary structure set up to promote women’s advancement and to ensure the full enjoyment by women of their human rights. Its main function is to monitor and ensure the implementation of the law, of the principle of non-discrimination and equality between women and men”.⁽¹⁸⁾

We examined New Zealand’s 2016 Periodic CEDAW report covering the period from 2012-2016, and found the following initiatives and self-monitoring results which might serve as models for other countries:

Article 2: Policy Measures to Eliminate Discrimination

*2. New Zealand is committed to maintaining a legal and policy framework that provides universal protection against all forms of discrimination. This is supported by a comprehensive, independent institutional structure to ensure its effective **enforcement**. (Emphasis added)⁽¹⁹⁾*

Article 4: Temporary Special Measures

27. There remain some gender disparities in New Zealand that are reducing only slowly. In most cases (for example, the gender pay gap) comprehensive legislation has been in place for many years and this has

achieved a significant reduction in gender discrepancies. The remaining gap is driven not by a conscious disregard for the law, but by a complex mix of factors, such as occupational and vertical segregation, patterns of employment and unconscious bias.

*28. It has been the view of successive New Zealand governments that special measures are not the best way to deal with the remaining gaps. Government believes it is more effective to address these issues of inequality through actions such as providing women with resources to help them make more informed career choices, presenting a strong business case for fully utilising women's skills and supporting the achievement of women in high-demand fields, and **(where necessary) through legal measures.** (Emphasis added).⁽²⁰⁾*

PART II

Participation and equality in political and public life, representation and nationality

Article 7: Participation in Political and Public Life

38. Promoting women in leadership is one of the Government's top priorities for women.

Since the last report, women have made steady gains in representation at central and local government level and on statutory boards. Representation at top levels in the private sector has improved, but is still relatively low.

Representation at central and local government

39. The gender representativeness of Parliament has increased significantly since the advent of the Mixed Member Proportional (MMP)

voting system in 1996, although it still has some way to go before it reflects the gender balance in New Zealand society. There are 41 women (34 percent) Members of Parliament (MPs) in the 51st Parliament, equal to the record 41 elected to the 49th Parliament in 2008. Ten of 27 Ministers of the Crown (37 percent) and seven of 20 Cabinet Ministers (35 percent) are women. The Green Party and Māori Party have women co-leaders, both of whom are MPs.

Local government

40. Local government and the Ministry of Health (MOH) worked with the New Zealand Society of Local Government Managers' Electoral Working Party to promote greater gender and ethnic diversity in the 2013 local government elections. The proportion of women elected to local bodies has risen from one-quarter to one-third (33 percent) over the past 25 years, with the number of women candidates also increasing (to 31 percent). Community and district health boards (DHBs) tend to have greater proportions of women standing compared to other electoral positions. In 2013 these were at 37 percent and 47 percent respectively. The number of women elected city mayors rose from 19 percent in 2007 to 31 percent in 2013.

41. Councils are actively working to support diversity within their organisation to better reflect the communities they serve. As part of this, they are carrying out specific initiatives to increase the representation of women at senior levels within council and to increase the diversity of the boards of council-controlled organisations.

Women’s representation in the public service

42. *The State Services Commission (SSC) continues to monitor women’s participation in the public service. Women’s overall representation in the public service remained stable between 2005 and 2015, at approximately 60 percent.*

43. *The number of women chief executives has increased in this reporting period. As at 30 June 2015, 41 percent (12 of 29) of chief executives were women compared with 24.1 percent in 2012. Women occupied 44.2 percent of senior leadership positions in the public service (the top three tiers of management) as at 30 June 2015.*

Government Women’s Network

44. *In 2014 the Government Women’s Network (GWN) was established to increase the impact of gender diversity action across government. GWN connects employee-led diversity and inclusion initiatives across government and also connects organizational development efforts linked to diversity, leadership and workforce.*

Women in law

45. *Two of the most senior justice positions in New Zealand – the Minister of Justice and the Chief Justice – are held by women.*

46. *Dame Patsy Reddy will be sworn in as Governor-General in September 2016.*

47. *As at August 2015, women were 29 percent of the total judiciary in New Zealand. Women head benches for three of the four principal courts. Two women are part of the six-member Supreme Court. Women comprise 20 percent of the judges in the Court of Appeal, and 26.3 percent*

of judges in the High Court. In August 2015, President Ellen France, Justice Christine French and Justice Helen Winkelmann sat as the first all woman bench in the Court of Appeal’s 153-year history.

48. The Family Court has the greatest representation of women on the bench (41 percent) followed by the Māori Land Court (30 percent), the District Court (29 percent) and the Environment Court (29 percent).

49. Women comprise almost 60 percent of employees in law firms, 47 percent of lawyers, but only 26 percent of partners or directors. The New Zealand Law Society has made the advancement of women one of its key priorities.

Women’s representation on statutory boards

50. Government continues to work to increase women’s participation on statutory boards, and to create an environment where key decision-makers accept the importance of appointing women and actively seek out suitably qualified women candidates.

51. Government has an aspirational goal of 45 percent participation of women on state sector boards. As at December 2015, women made up 43.4 percent of state sector boards and committees. This is a significant increase on 41.7 per cent in 2014. In 2015, 51.4 percent of Ministerial appointments to boards were women.

52. MfW (Ministry for Women) acts as a ‘connector’ between emerging women leaders, providing support and information, to develop their skills and talents and realise their leadership potential. MfW continues to directly assist appointing government agencies with the recruitment of suitable women for vacancies on state sector boards.

53. The Ministry for Pacific Peoples (MPP) has invested in governance

training workshops to increase Pacific women’s representation on state sector boards and committees. In 2015 the majority of workshop participants were emerging women leaders. MPP also assists appointing government agencies with the recruitment of suitable Pacific women for vacancies on state sector boards.

54. Since 2009 the Office of Ethnic Communities (OEC) has run a women’s leadership programme to increase participation and inclusion of ethnic women leaders in civic life and to address potential discrimination. OEC also manages a nominations service to ensure that skilled individuals (men and women) from ethnic communities are put forward for state sector board appointments.

Increasing the representation of women on private sector boards

55. Women made up 17 percent of directors and 19 percent of officers (chief executives and senior managers) of all listed companies in 2015. There is a range of private sector initiatives to encourage women onto private sector boards and into senior roles. MfW actively supported the New Zealand Stock Exchange in the institution of a rule requiring New Zealand companies to report on the gender balance of their boards and in senior management from 2013. Work with umbrella organisations such as the Institute of Directors and Business New Zealand has highlighted the business case for gender diversity and provided solutions for those wishing to improve the promotion of women in their organisations.

56. MfW also contributed to the work of DiverseNZ Inc., a private sector co-operative venture that developed a platform of knowledge and practical tools for businesses to leverage diversity. Building on this momentum, in November 2015, Global Women launched Champions

for Change, a collaboration of New Zealand chief executives and chairs from the public and private sectors who are committed to raising the value of diversity and inclusion within their organisations and actively promoting the concept amongst their peers.⁽²¹⁾

VII How is the United Nations doing in terms of its own women’s economic participation and inclusion in decision-making?

2016 was a disappointing year for women in political leadership and in terms of political empowerment at the highest levels worldwide – some countries had their World Economic Forum Gender Rankings decline and of course the United States suffered a debacle in its Presidential election. Helen Clark, New Zealand’s first elected woman Prime Minister, started in 1999 and served for three terms, and then became the first woman head of the United Nations Development Programme in 2009. She and five other women were candidates for the Secretary-General position at the United Nations, and none was selected.⁽²²⁾

Looking at the situation of all women working at the United Nations, although the General Assembly and a series of male Secretary Generals have indicated the need for 50-50 gender parity, that goal, which was to be achieved by 2015, has been left open, with no specific target year indicated.

Reported statistics indicate: “Women’s representation in the UN secretariat, at the D1 level, in 2000, was 30.3 percent. By 2009, the representation of women in the secretariat at D1 level decreased to 26.7 percent; by way of comparison the representation in the entire UN system in 2009 was 29.2 percent. The representation of women in

2011 in the secretariat at D2 level was 24.4 percent. In December 2011, the representation of women in the Secretariat at the D1 level was 27.4 percent, an increase of 0.6 percent over a two-year period.

At the current rate of progress, according to the Secretary General’s report, gender parity at the D-1 to higher levels will be achieved after 102 years.”⁽²³⁾ It would seem that this is much too long for many women to wait; one question is whether they will put pressure on their governments and legislators to implement laws, policies and strategies to bring about such changes during the lifetimes of women alive today. In some countries, women do not have the right to demand changes; in other countries they are simply apathetic and do not view economic equality and political empowerment as essential.

VIII Conclusion

What we found by reading World Economic Forum statistics and reports, CEDAW reports and feedback about the reports and other publications is that there is no “one size fits all” approach to these issues. We tend to think that countries with leaders (male or female) who are committed to make change happen, who put staff and resources into the goal of achieving such change, will stay in the top ten or twenty in the World Economic Forum Gender Rankings. Hard law, with compliance and enforcement, and adoption of new strategies, policies and legislation when needed, such as the examples seen in Norway, The Philippines, New Zealand and Mexico, may be one route. The United Nations has also decided to adopt gender mainstreaming and special measures to better achieve its own equal employment opportunity goals.⁽²⁴⁾ Nonetheless, there is apparently no “magic formula”, although

some examples from the top-ranked countries may be informative and effective for other countries to apply.

- (1) See Prof. Dr. Ann Numhauser-Henning, *The Policy on Gender Equality in Sweden*, Directorate General for Internal Policies, Policy Department C: Citizens’ Rights and Constitutional Affairs – Women’s Rights and Gender Equality, 2015, [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/510011/IPOL_STU\(2015\)510011_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/510011/IPOL_STU(2015)510011_EN.pdf), page 5:

Executive Summary:

Government gender policies are formulated as four basic aims: (i) equal division of power and influence, giving men and women the same rights and possibilities to participate in society and to shape the conditions for decision-making, (ii) economic equality, giving men and women the same rights and possibilities as regards education and remunerated work leading to lifelong economic independence, (iii) equal distribution of unpaid house- and care-work, giving men and women equal responsibilities and rights in these areas, and, (iv) to put an end to men’s violence against women, giving women, men, girls and boys the same rights and possibilities to physical integrity. Gender mainstreaming has long been (1994) a central feature and a main strategy of Swedish gender policies, meaning that decisions in all policy areas and at all levels are to be permeated by a gender equality perspective.

There is still no quota legislation in place in Sweden. In politics – parliament and government – there is close to equal representation in decision-making due to voluntary practices introduced by the political parties themselves. As far as company boards are concerned, the ‘Swedish Code on Corporate Governance’ - valid for listed private and public limited-liability companies - includes a rule that ‘an equal distribution among the sexes shall be the goal’. This is a voluntary rule and despite the Code being in place for some years now, women are still far from being equally represented on company boards; the current rate is about 25%. The share of women serving on state-owned company boards is about 50%. The government has declared that it will propose quota legislation following the shareholders’ general meetings in 2016, should the share of women on company boards remain below 40%.

Women integrated the labour market in great numbers in the early 1970s and now have almost the same employment rate as men. Part-time is frequent among women, though, and the labour market is highly segregated – with women working to a great extent in the public sector. Family policies developed over the years to support equal participation in remunerated work. A very important basis is the long-standing secular character of Swedish society, which is also reflected in family structures and family law.

- (2) *Gender in Norway | Legislation. Gender.no.* Retrieved 31 December 2016, from <http://www.gender.no/Legislation>
- (3) *Sweden and gender equality.* (2016). *sweden.se.* Retrieved 31 December 2016, from <https://sweden.se/society/sweden-gender-equality/>
- (4) *Endnote 1.*
- (5) *Gender Equality in ASEAN: Lesson from the Philippines and the Road Ahead.* (2016). *Warwickaseanconference.com.* Retrieved 1 January 2017, from <http://warwickaseanconference.com/gender-equality-in-asean-lesson-from-the-philippines-and-the-road-ahead/>
- (6) *Endnote 4.*
- (7) *Q & A: Magna Carta of Women (Republic Act No. 9710) | Philippine Statistics Authority.* (2010). *Psa.gov.ph.* Retrieved 2 January 2017, from <https://psa.gov.ph/content/q-magna-carta-women-republic-act-no-9710>
- (8) <https://psa.gov.ph/content/q-magna-carta-women-republic-act-no-9710>
- (9) <http://www.ipu.org/wmn-e/classif.htm>
- (10) Fernanda, V. (2014). Understanding equality in Mexico: Women in politics. *International Journal: Advances in Social Science and Humanities*, 2 (2), 1-6. Retrieved from http://www.academia.edu/6662360/Understanding_equality_in_Mexico_Women_in_politics
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- (12) Herald, T. (2015). *New paradigm of gender equality starts now.* *Koreaherald.com.* Retrieved 1 January 2017, from <http://www.koreaherald.com/view.php?ud=20150705000319>
- (13) Herald, T. *endnote 1.*

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- (14) *Gender Equality Policy - Gender Equality* / Ministry of Gender Equality & Family Republic of Korea. Mogef.go.kr. Retrieved 2 January 2017, from http://www.mogef.go.kr/eng/policy/index06_01.jsp
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- (16) *Endnote 10*.
- (17) Inter-Parliamentary Union (2016). *IPU PARLINE database: YEMEN (Majlis Annwab), General information*. Ipu.org. Retrieved 3 January 2017, from http://www.ipu.org/parline-e/reports/2353_A.htm
- (18) See, for example, HANDBOOK ON NATIONAL MACHINERY TO PROMOTE GENDER EQUALITY AND ACTION PLANS – Guidelines for establishing and implementing National Machinery to promote equality, with examples of good practice, Strasbourg, France, May 2001, http://www1.uneca.org/Portals/ngm/CrossArticle/1/Documents/national_machinery.pdf.
- (19) Government of New Zealand, United Nations Convention on the Elimination of All Forms of Discrimination against Women – Eighth Periodic Report by the Government of New Zealand – March 2012-March 2016, [women.govt.nz/sites/public-files/New%Zealand%27s%20Eighth%20%Periodic%20CEDAW%20Report%20June%202016.pdf](http://www.govt.nz/sites/public-files/New%Zealand%27s%20Eighth%20%Periodic%20CEDAW%20Report%20June%202016.pdf)
See also Heidi Jones. *A Historical Analysis of the Status of Women in New Zealand: Has CEDAW Had an Impact?* LL.M. Thesis, University of Waikato, 2013
- (20) Jones,
- (21) Jones,
- (22) Susan Nickalls, “Contender Ready,” *Mind Food*, September 2016, 27-29, <http://mindfood.com>; See also Wikipedia, United Nations Secretary-General selection, 2016, https://en.wikipedia.org/wiki/United_Nations_Secretary_General_Selection_2016
- (23) See General Assembly (4 September 2012). “67/347 Improvement in the status of women in the United Nations system”. *Report of the Secretary-General*. United Nations (A /67/347): 58. Retrieved 11 December 2016. Advancement of women: implementation of the outcome of the Fourth

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