

UNIVERSITY OF NOTTINGHAM

GENDER EQUALITY: ALL ABOUT THE NUMBERS?

Oluwafifehan Ogunde

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This is an examination of the concept of gender balance in relation to the substantive goal of gender equality. This paper aims at examining the extent of its relevance to gender equality and make conclusions as to the said issue.

INTRODUCTION

In issues relating to gender equality, recourse is often made to statistics and numbers to justify the fact that women are victims of discrimination, either systemic or otherwise. It is a common feature in advocacy for women's rights to find statements such as "More than 10 million girls in Sub-Saharan Africa lack access to formal education" or "Less than 34% of top executives in the formal employment sector are women". Such statistical information is used to ground arguments of general societal gender imbalance in economic, political and social sectors of various countries and regions around the globe.

Even though there is little dispute about the relevance of such information in advocacy for equal treatment of women, it is however dangerous to measure progress in gender equality/gender balance on the basis of numbers alone. Furthermore, it may be said that in giving greater weight than necessary to statistical evidence in determining gender balance, there is the possibility of substituting the broader aim of creating a world where individual rights are respected, protected and ensured for a far narrower one where women merely 'appear' to have a greater say in social, political and economic affairs while being in many instances no more than mere figureheads.

The aim of this paper is to consider critically the concept of gender balance in social, political and economic affairs. I shall briefly explain the concept of gender balance. I shall thereafter consider the reliability of assessing gender balance by statistics. It shall be argued that despite their importance, the failure of such information to take into consideration certain factors such as individual choices or differing economic climates and intrinsic values of influential determinants of individual choices such as family make them inadequate in assessing the true position on gender balance. I shall further highlight the inadequacy of statistics in determining gender balance in light of country-specific situations. This paper would be concluded by a submission that realising gender balance in economic, political and social affairs does not lie in merely taking measures (legal or otherwise) to increase the number of women involved in the process but in creating an atmosphere of substantive equality where no individual is hindered in the effective realization of his or her fundamental rights irrespective of gender.

In this paper, reference will be made to international human rights instruments such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Covenant on the Elimination of Discrimination against Women (CEDAW). Reference would also be made to regional human rights instruments such as the African Charter on Human and People's Rights and the .

WHAT EXACTLY IS GENDER BALANCE?

Gender balance refers to the degree to which men and women hold the full range of positions in a society or organizations¹. It is an integral aspect of the broader goal of gender equality which according to the United Nations population fund exists 'when both sexes are able to share equally in the distribution of power and influence; have equal opportunities for financial independence; enjoy equal access to education and the opportunity to develop personal ambitions, interests and talents; share domestic

¹ See <http://www.peacewomen.org/pages/about-1325/key-gender-terms>

responsibilities; and are free from coercion, intimidation and GBV at work and at home.² According to the OCHA, it is a human resource issue which entails the equal participation of women and men in all areas of work (international and national staff at all levels, including senior positions)³.

One would want to ask at this point how relevant the concept of gender balance is with respect to the broader aim of gender equality. At the very least, it creates a presumption that there is equal participation by both sexes in decision-making at every level which remains one of the goals of the United Nations.⁴ The concept of gender balance is recognized in various international instruments. For instance, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) imposes an obligation upon State parties ensure that women have equal rights with men 'To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;⁵. Under the African Protocol on the Rights and Welfare of Women (African Protocol), countries party to the protocol are also required to take 'specific positive action to promote participative governance and the equal participation of women in the political life of their countries'⁶. The goal of gender balance is also one of the Millennium Development Goals of the United Nations

The emphasis on gender balance in recent times could arguably be attributed to various factors including the rise in feminist movements, the major advances in education of women and the crossing of the boundaries of gender division in labour functions⁷. Women are starting to get more involved in areas that used to be dominated by men and vice-versa. According to Woodward,

*'Indeed, much has altered at all levels in European society. Member countries have now had female leaders in formerly inconceivable positions from minister of defence to prime minister, and even ministerial cabinets sometimes come close to gender balance. Visibly, women are making important societal decisions. That this change has come about has been the result of social action and concerted strategies on the part of women and men who think gender balance in decision-making is essential for democracy and for the future.'*⁸

² Ibid

³ See https://docs.unocha.org/sites/dms/Documents/GenderToolkit1_2_GenderDefinitionsandMandates.pdf

⁴ In the Beijing Platform of Action developed at the World Conference for women in 1995, it was stated as follows 'The success of the Platform for Action will require a strong commitment on the part of Governments, international organizations and institutions at all levels. It will also require adequate mobilization of resources at the national and international levels as well as a commitment to.....the equal participation of women and men in all national, regional and international bodies and policy- making processes; and the establishment or strengthening of mechanisms at all levels for accountability to the world's women. (See Paragraph 5 of the Mission Statement at <http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm#concern>)

⁵ Article 7(b)

⁶ See Article 9(1). Under the Protocol, there is also a duty to ensure 'participation of women at all levels' in decision making as regards development policies and programmes (Article 19(b))

⁷ See Paragraph 26 of the Beijing Platform of Action

⁸ See Alison Woodward : Going for Gender Balance (2002) Council of Europe Publishing at Page 15 available at <http://www.coe.int/t/dgap/forum> democracy/activities/previous%20projects/publications/GoingforGenderBalance_en.pdf

The concept of gender balance may be most relevant but certainly is not limited to questions of political or organizational decision-making but also relevant in relation to education. Under the International Covenant on Economic, Social and Cultural Rights (ICESCR), States are expected to make primary, secondary and higher education available and accessible to all.⁹ The African Charter on Human and People's Rights also provides that 'every individual shall have the right to education'¹⁰ with the African Charter on the Rights and Welfare of the Child further going on to impose an obligation on African countries to 'take special measures' in respect of female children to ensure equal access to education for 'all sections of the community'¹¹ One of the goals prescribed by UNESCO is to eliminate gender disparities in education¹². It is believed that the increased involvement of girls in education by making gender balance a target is vital for socio-economic growth. According to USAID's Office of Women in Development,

*'Educating females and males produces similar increases in their subsequent earnings and expands future opportunities and choices for both boys and girls. However, educating girls produces many additional socio-economic gains that benefit entire societies. These benefits include increased economic productivity, higher family incomes, delayed marriages, reduced fertility rates, and improved health and survival rates for infants and children.'*¹³

The relevance of gender balance is further highlighted in the Education for all (EFA) Monitoring Report produced by UNESCO where gender balance in education is said to potentially serve as a 'dynamic indicator of change' and a first step towards gender equality to the extent that progress towards its achievement 'suggests a weakening of the factors that keep men and women in unequal positions'¹⁴. It can therefore be understood that there is a general impression that gender balance has significant bearing in education but still part of a broader goal of gender equality.

Gender balance is also a pertinent issue in the world of work where it is no longer uncommon to find the obligation imposed to increase the involvement of women, especially in areas of decision-making. Under the ILO convention, States party to the Convention are required to 'pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof'¹⁵. ICESCR also recognizes the right of everyone to 'the opportunity to gain his living by work'¹⁶ while under the African Women's Protocol, states are to 'guarantee women equal opportunities in work and career advancement and other

⁹ See ICESCR Article 13(2). Article 2 provides that Covenant Rights are to be exercised without discrimination as to sex.(Article 2(1)

¹⁰ See Article 11.

¹¹ See Article 11(2e)

¹² Goal 5 of the Education for All Scheme is as follows: Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality. (See Gender and Education for all: A leap to equality (2004) UNESCO publishing page 44 available at <http://unesdoc.unesco.org/images/0013/001325/132513e.pdf>

¹³ See Education from a gender equality perspective, EFA monitoring report (2003/2004) Page 5 available at http://www.ungei.org/resources/files/Education_from_a_Gender_Equality_Perspective.pdf

¹⁴ Ibid at 116

¹⁵ See the Discrimination (Employment and Occupation) Convention (1958) No 111 Article 2

¹⁶ Article 6(1)

economic opportunities¹⁷ Furthermore, some developed nations have been found to specifically take measures by law to ensure gender balance in the workplace. In France for instance, it was recorded that following a report submitted to the prime minister in 1999, the French Government took measures to facilitate women's access to posts of responsibility in the civil service including the fixing of a minimum percentage of women to sit on panels for professional competitive examinations and the introduction of targets for government ministries to ensure balanced participation of women in top management positions.¹⁸ In Finland and Norway, the composition of advisory boards are also governed by law¹⁹

As highlighted above, the concept of gender balance runs through virtually every sector of the society and its importance to the goal of gender equality has been recognised under international law. In concluding this section, I would briefly consider any practical implementations of gender balance rhetoric. One method by which gender balance has been sought to be implemented is through the quota system whereby through enacted law or administrative measures, an institution is required to have a minimum percentage of female representation in its decision-making organ. The Beijing Platform for Action specifically envisages a 50% representation of women in all areas of society as an ideal indication of full gender equality²⁰. There are quota requirements provided under the constitution in countries such as Burkina Faso, The Phillipines and Uganda²¹. In Costa Rica, there is a requirement under the Electoral Code that 40% of the members of parliament must be women while for European countries like Belgium and Spain, there is legislation to the effect that women must constitute at least 30% of parliament²². In Nordic Countries like Norway, most of the political parties also have quotas²³. There is also evidence of use of the gender quota system in the electoral system of many countries in Sub-Saharan Africa including Burundi, Eritrea, Mozambique, Namibia, Rwanda, South Africa and Tanzania.²⁴

The quota system is not only applied in the public administration sector. In 2003, Norway passed legislation mandating quotas requiring 40:40:20 representation for women on listed company boards²⁵. Other countries introducing quotas for publicly listed companies include Spain, France, Denmark, Italy and the Netherlands²⁶. There are quotas for women's political representation in an estimated 50 per cent of countries globally.²⁷ Even in the political sector, it is also recognised that 'quotas are important but need to be accompanied by other factors such as societal support for women's representation and structural change in the political system towards more public participation and

¹⁷ Article 13

¹⁸ See 8 above at Page 50

¹⁹ Woodward at page 17

²⁰ Ibid at 21

²¹ <http://www.quotaproject.org/aboutquotas.cfm>

²² See Electoral Gender Quota systems and their implementation in Europe (2011) available at [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453210/IPOL-FEMM_ET\(2011\)453210_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453210/IPOL-FEMM_ET(2011)453210_EN.pdf)

²³ See <http://www.cfwd.org.uk/uploads/Quotas%20Nov%202012.pdf>

²⁴ <http://democracyinafrica.org/gender-quotas-womens-representation-african-parliaments/>

²⁵ See Woodward at page 37

²⁶ Ibid

²⁷ Ibid

accountability²⁸. This is however not intended to disregard the fact that the quota system in certain countries has led to significant legislative reform²⁹

GENDER EQUALITY: ALL ABOUT THE NUMBERS?

Having considered the concept of gender balance and its relevance in government, education and work, one would at this point examine the significance of statistics, which is the core determinant of gender balance³⁰ in the overall aim of gender equality. This would be done with specific reference to the areas highlighted above

EDUCATION

According to UNESCO,

*'Gender parity and gender equality in education mean different things. The first is a purely numerical concept. Reaching gender parity in education implies that the same proportion of boys and girls – relative to their respective age groups would enter the education system and participate in its different cycles. Gender equality, on the other hand, means that boys and girls would experience the same advantages or disadvantages in educational access, treatment and outcomes. In so far as it goes beyond questions of numerical balance, equality is more difficult to define and measure than parity.'*³¹

Despite this theoretical acknowledgement, it is argued that in practice, there is still an over-emphasis on statistics in determining gender equality as far as education is concerned. It is not uncommon to find an improvement in gender equality being assessed by the ratio of girls to boys in terms of access to primary education. For instance in the 2011 OECD Report on Gender Equality, it was stated as follows:

'Gender equality in terms of participation in, and attainment of, education has been achieved in most OECD countries: girls have on average better grades and often outnumber boys among new college graduates. However, in many developing countries, girls still have poorer educational attainments, especially at the secondary and tertiary levels. Achieving gender equality in education in these countries will not only promote

²⁸ See Recent Trends in National Mechanisms for Gender Equality in Africa Report prepared by the United Nations Economic Commission for Africa available at <http://www.uneca.org/sites/default/files/publications/report-cwd.pdf> page 1

²⁹ Since the reform to the Electoral Code in 1996 in Costa Rica, which placed a minimum 40% quota for women's participation the country has adopted a wide range of laws that promotes the shared upbringing of children (Responsible Paternity Act (2001)), supports women with free health and education services (Law on Protection of Adolescent Mothers (2002)), introduced an integrated national monitoring system and services for female survivors of violence (Law to Prevent Violence against Women (2008)), and reformed the Labour Code (2008) specifying terms of employment for domestic workers. In Rwanda, the increased presence of women in parliament has led to the enactment of the Law on Matrimonial Regimes, Liberalities and Successions (1999) established women's right to inherit land and own property for the first time (See The full view: Advancing the goal of gender balance in multilateral and intergovernmental processes (2013) available at http://www.mrfcj.org/pdf/2013-06-07_The-Full-View.pdf at page 14

³⁰ Gender balance (parity) is regarded as a 'purely numerical concept'

³¹ See 13 above at page 44

*greater equality in employment outcomes but also help postpone early-marriages, reduce infant mortality rates and improve health and education of future generations.*³²

It is observed from the above that in determining educational gender equality, the emphasis is on ensuring enrolment in formal education institutions and attainment of education. This theme runs throughout the report in relation to education and as a matter of fact, there is explicit reference to gender equality being attained when the gender gap in enrolment is zero³³. This is an indication of the significance of statistics.

There are however many dangers identifiable with this approach. First, it is easy to become so focused on enrolment that there is neglect of what happens in the classroom, where arguably the greatest impact of gender inequality is felt. According to UNESCO,

*'Achieving parity in enrollment remains a critical objective and is fundamental to gender equality. However, focusing on access as the primary issue for girls can undervalue the importance of quality and relevance, with the false conclusion that what happens in the classroom need not be analyzed for possible differences in girls' and boys' opportunities and experiences'*³⁴

As highlighted above, it is important to take cognizance of the quality of education in determining gender equality. The education system is not compromised of only those who enrol and is also affected by the curricula, textbooks and the nature of teaching and this has been recognized as often not being made explicit³⁵. For instance, it could so happen that where an educational institution is unduly focused on certain subjects such as the STEM courses, it could greatly affect the quality of teaching and research material in others, especially given the fact that the institution is often faced with the dilemma of resource-allocation. In the event of the courses being gender-disproportionate, more girls could find themselves being subjected to lower quality of teaching even if on the surface, there appears to be an improvement in the number of girls enrolled in school. One may however argue in response that if there was gender balance in all courses, such a problem would not arise as both sexes would be equally affected by any inadequacies in relation to quality of education.

This leads to the second danger which is the fact that statistics do not necessarily take account of gender inequality being occasioned by difference in educational choices that impact educational outcomes. It is highly important not to assume that everyone who has access to formal education has the same interest, especially as far as secondary and tertiary education is concerned. It has been recognized for instance that even in developed countries, more women tend to receive tertiary education than men even when the rate of enrolment at the primary level is similar.³⁶ This has been attributed to

³² See Report on the Gender Initiative: Gender Equality in Education, Employment and Entrepreneurship page 2 available at <http://www.oecd.org/education/48111145.pdf>

³³ Ibid at page 31

³⁴ See 13 above at

³⁵ Ibid

³⁶ For example, the percentages of men and women in 1991 that had graduated from a tertiary education institution were about equal. However, by 2001, more women (about 29% of women in the 25-34 year-old age group) than men (about 26% of men in the same age group) had graduated from a tertiary institution. In Canada, 56% of women in this age group *versus* only 45% of men had achieved a tertiary degree in 2001 (Evers, Livernois and Mancuso (2006), "Where are the Boys? Gender Imbalance in Higher Education", *Higher*

factors such as the rise in the feminist movement, increased presence of young men in prison and military service.³⁷ Therefore, for instance, if more young men between the ages of 18 and 22 enrol in military service or commit crime and are set to prison, it would affect their presence in tertiary institutions. These are choices made by the individuals and have very little to do with any policy in place for access to education. Having said that, it is possible to suggest in response that measures may be put in place for convicts and military servicemen to complete their degrees e.g online degrees. Nevertheless, considering the fact that individuals have the right to drop out of school after a certain age³⁸, the availability of other means of education outside the classroom may be inconsequential. The point nevertheless remains that mere statistics do not reflect individual choices and as such are inadequate in determining gender equality in education³⁹. To this effect, Evers et al urge that educators at all levels need to ensure that young men need to know that they can succeed in higher education and also do more meaningful work through higher education⁴⁰.

Allied to this is the fact that enrolment rates, while relevant as a measure of participation, do not necessarily reflect attainment of education as they may be influenced by a high level of repetition rate. Studies have for example shown that boys in Latin America and the Caribbean usually have higher repetition rates and lower achievement rates than girls⁴¹. This is also evident in Sub-Saharan Africa⁴² especially at the primary level of education where a high level of repetition rates is found to hinder the access of others to education given the scarcity of resources available⁴³. It would therefore not be surprising to find that at some point between educational enrolment at primary level and attainment of tertiary education, there would be some form of gender disparities which are not necessarily a function of the societal attitude towards a particular gender. This is arguably contemplated by international human rights treaties which make the access to higher education a qualified right⁴⁴

Finally, statistical evidence may also fail to take account of the difference between women and men, both biologically and as constructed by societal factors. For instance, women have often being associated with domestic matters such as cooking and cleaning and as common in most parts of Sub-Saharan Africa, are involved in complex domestic responsibilities from a very young age .Furthermore, it is more likely than not that in the event of such occurrences as teenage pregnancy, the educational prospects of the female are likely to suffer greater harm as she would have to withdraw from school to at the very least, give birth to the child. The girl-child is therefore arguably more prone to

Education Management and Policy, Vol. 18/2. Page 5 available at <http://dx.doi.org/10.1787/hemp-v18-art15-en>

³⁷ Ibid at Pages 9-10

³⁸ 17 in England, 16 in Scotland and Wales (<https://www.gov.uk/know-when-you-can-leave-school>)

³⁹ This is so even in tertiary education where attainment rates of women are now equal to or exceed those of men in OECD countries and beyond as there remains evidence of gender bias in the nature of academic courses studied. To this end, Evers et al emphasize that 'attracting men into the humanities is also as important as attracting women into engineering' (See 36 above at 12)

⁴⁰ Ibid

⁴¹ See 13 above

⁴² In countries such as Djibouti and Cameroon, repetition rates are found to be high especially given the fact that there is free access to primary education

⁴³ Resources in this case being funds available for improvement in teaching quality/quantity, textbooks etc

⁴⁴ Article 13(2) (d) ICESCR provides that higher education shall be made accessible to all 'on the basis of capacity' and 'by every appropriate means'. Similar provisions exist in the Convention on the Rights of the Child.

dropping out of school at an early age. It is as a result of such constructs that assessments of progress towards gender equality would have to show whether changes being achieved are 'significantly altering' such gender divisions⁴⁵. It would therefore be insufficient to conclude on the basis of numbers alone for instance that progress towards gender equality is occurring at a faster rate in developed nations where reproductive health rights are enforced and the nature of the family structure does not impose heavy domestic burden on the girl child than developing nations where there is a different approach.

WORK

'In recent decades, Latin America and the Caribbean have witnessed a massive incursion of women into the labor market. In contrast to other such incursions of women during crisis situations, it can be said that this sustained increase in women's participation is irreversible because the flows feeding it do not necessarily reflect anti-cyclical behavior in terms of the economic future, as has been observed in past decades. At the macro-economic level, this is a positive phenomenon in terms of its impact for the economies of the region of having use of a significant part of the labor force (up to now considered secondary), but this is also positive at the micro-economic level, owing to the new income women earn from paid work in the home. However, the massive entry of women into the labor market has not met expectations in terms of economic development at the country level or the ensuing benefits at the level of households. With regard to women, their expectations have also not been fully met, since their incursion into the labor market has not guaranteed them quality jobs.' (Espino and Sanchís, 2011).⁴⁶

As stated above, the concept of gender balance at work is more complicated than any information supplied by numbers might suggest. Assessing gender equality based on the mere presence of women in the labour force may be misleading, especially when it does not reflect the nature of jobs that are available to women. It must also be noted in relation to work that individual choices and economic factors play more of a prominent role than in education given that the greater percentage of the workforce are usually adults. In this section, I will consider some of the factors supposedly representing a challenge to gender balance and consider their impact on the overall aim of gender equality.

One of the most notable factors influencing gender-balance in the workplace is the 'work-life balance' required to be maintained by women. According to Caroline Followell,

'Many women 'off-ramp' or leave corporate life as they start families, for some it is to start their own businesses in order to create flexibility with family commitments. For others, with the high cost of childcare in the UK, it becomes uneconomical for women to work especially if more than one child requires childcare. Women then forgo their career in favour of more flexible, but often unskilled work opportunities.'

⁴⁵See Followell C : Key challenges to creating gender balance at all levels of the organisation (2014) available at http://henley.ac.uk/web/FILES/henleybusinessschool/White_Paper_-_Henley_Gender_Balance_C_Followell_-_Final_with_date.pdf page 7

⁴⁶ See Advancing Gender Equality in the Context of Decent Work (2011), a report by the Inter-American Commission of Women available at <https://www.oas.org/en/CIM/docs/AvanceGeneroTrabajoDecente-EN%5BFinal-Web%5D.pdf> page 15

It is important to understand the fact that despite arguments being raised as to the concept of the family structure being a mere social construct, its relevance in the life of women at work cannot be discounted. As stated above, even in developed countries, the nature of childcare remains such that women compromise an aspect of employment for the purpose of raising the child. In such an instance, the absence of women in employment reflects more of an individual choice rather than a societal imposition especially given the fact that various family planning methods are usually available to suit the needs of the woman. Studies conducted in 2007 by Hewlett suggested that women 'generally emphasise value sets rather than compensation or benefits, which often leads them on different career paths to men.'⁴⁷ The value of a family life (i.e. spending time with children and involvement in the child's educational and social activities) it could be argued, matters more to women than men. Some however argue in response that this represents a mere 'myth' which operates as a 'significant inhibitor' to women climbing up the professional ladder⁴⁸ does not imply that women are 'biologically incapable of higher office'. It could also be argued that the importance of the family unit does not necessarily justify the job-segregation that is prominent in many economies⁴⁹

Another issue relevant to gender balance in the work-place is the concept of tokenism which follows quota policies⁵⁰. It is often argued that the quota system forces companies to make appointments and as a result, progress is hampered as the focus is on numbers, not merit⁵¹. This is however argued by Catherine Fox as being unlikely due to the fact that many women eligible for such appointments would often be very qualified and experienced women⁵². She goes further to consider the concept of merit as being a myth which exists as a mere 'goal' and not a 'reality' in many businesses⁵³. In my opinion, there appears to be a contradiction. If merit is a myth, there is little basis for an assurance that those who would be appointed pursuant to the quota policies would also be qualified and sufficiently experienced. Furthermore, while tokenism may not be much of a problem in the private sector where profit concerns may serve as an incentive to employ the most qualified, the same may not necessarily apply in the public sector as no such incentive exists⁵⁴. In addition, the argument against tokenism is based on the assumption that there is gender balance in education which ensures that women will have the necessary qualification. This assumption, while relatively well-founded with respect to developed countries, may not necessarily apply to developing nations where gender balance in education remains a problem. It is noteworthy that Whelan and Wood

⁴⁷ See 45 above

⁴⁸ See Catherine Fox: *The higher you go, the wider the gap in Women in Leadership: Understanding the gender gap* (2013) available at <http://www.ceda.com.au/media/310731/cedawiljune%202013final.pdf> page 27

⁴⁹ One example of segregation in the labor market is reflected in the data on women employed in the urban sector in the Central American Isthmus, where women workers are primarily concentrated in the social, community, and personal services sector (32%), in the retail sector (28.5%), and in the manufacturing sector (13.2%) (Espino, 2009).(See 46 above at 31)

⁵⁰ In Norway for instance, publicly listed companies are required to have at least 40% female composition on their board. Countries like Spain, France and Italy also have similar policies.

⁵¹ See 48 above at page 28

⁵² Ibid

⁵³ Ibid at 25

⁵⁴ It may however be said that the issue of political accountability arguably creates a greater incentive for State bodies and government organisations to prioritise qualification and experience.

admits that it is 'difficult to mount a compelling argument for mandated quotas' in the private sector⁵⁵

There is also the matter of occupational segregation, which has been briefly referred to above. This can be considered in two ways in relation to gender balance. First of all, it can support the argument that even though there may be a shift towards gender balance in terms of overall employment, it does not necessarily reflect a similar shift in terms of the quality of employment⁵⁶. It is no uncommon to find an over-representation of women in the informal and unskilled aspect of the labour market, more often than not due to the need to maintain the 'work-life balance' discussed in the earlier aspect of this section. Assessment of gender equality therefore becomes more complicated especially given the fact that, as discussed above, the presence of women in the informal economy can be argued as being a function of choice (even if the choice was influenced by social constructs). Secondly, occupational segregation could also be a function of education and training. For instance, studies have found that in terms of work, there is a greater presence of women in the social services sector⁵⁷ while there are more men in manufacturing as well as science and technology⁵⁸. This is attributed to various factors such as essentialist beliefs about the roles of each gender⁵⁹ and the fact that as pointed out earlier, the nature of courses studied by both gender are generally different. One may immediately argue that these factors are based on stereotypes about each gender, stereotypes sought to be addressed by gender-balance policies. It must however be noted that the nature of some professions may remain a great influence in the choices of each gender. For instance, the increased danger faced by female journalists reporting war crimes and cases of civil unrest⁶⁰ may lead to more women choosing other professions. However, it is conceded that this may not sufficiently argue for the nature of the disparities that occur in areas of such professions which do not have such risks attached⁶¹

It is important in discussing gender balance at work to consider the function of individual choices and socio-economic patterns in determining whether the numbers are a

⁵⁵ See Whelan and Wood: Increasing gender diversity through targets with teeth in : Women in Leadership (2013) at page 39

⁵⁶ For instance, a study by the International Labour Organization in 2010 in Latin America found that even though the gap in the employment ratio between women and men had narrowed by 5% since 2010, the increase in the employment-to-population ratio "does not necessarily represent progress in terms of employment quality since available information for the group of countries indicates that women's employment in the informal sector expanded more than that of men, in a comparison of the second quarters of 2010 and 2009.

⁵⁷ As at 2005, 84.4 % of primary school teachers in North America and Western Europe while 77.5 % of primary school teachers in Latin America and the Caribbean were women. The exception to this trend was Sub-Saharan Africa where only 45.3 % were teachers (See Sheelagh Drudy (2008) Gender balance/gender bias: the teaching profession and the impact of feminisation, Gender and Education page 310 available at <http://dx.doi.org/10.1080/09540250802190156>

⁵⁸ For instance studies conducted in Northern Ireland found that 56.5% of male students of STEM courses at GCSE level eventually obtain a degree in that field as opposed to 43.5%. It was further found that the ratio of male to female workers in manufacturing and STEM industries was 3 to 1 and 4 to 1 respectively (see <http://www.nisp.co.uk/wp-content/uploads/2013/11/Stem-report-web.pdf>)

⁵⁹ For instance, the perception with respect to the teaching profession that the nature of the woman makes her better suited to handling children. See 54 above at 312.

⁶⁰ Such as sexual violence, intimidation and gender discrimination

⁶¹ For instance, a finding by UNESCO in 2008 that less than 20% of editorial places in East Africa were filled by women (See Getting the Balance Right: Gender equality in Journalism available at <http://unesdoc.unesco.org/images/0018/001807/180707e.pdf> page 4

reflection of progress towards the overall aim of gender equality or not. The work-place, in contrast to the school, is an arena where there is greater room for individual choices. There may be a place for an argument that these 'choices' are influenced by essentialist beliefs that the differences between men and women are deeply ingrained, biologically determined and unalterable⁶² and that such beliefs limit the opportunity for gender diversity goals, especially in management.⁶³ The practical implications of choices influenced by these beliefs however are differences in the career paths of men and women and as long as these career paths can be attributed to choice rather than imposition, statistics may be an insufficient reflection of the true position in relation to gender inequality.

GOVERNMENT

As highlighted earlier, one of the areas where gender balance remains a pertinent issue is in relation to public administration. This is not surprising given the fact that gender balance in government is often considered as being vital to more gender-friendly socio-economic policies. Therefore it is easy to assume that a country like Rwanda where over 60% of the members of its lower parliament are women would be more open to gender-friendly policies than say a country like Nigeria where just over 6% of the members of parliament are women⁶⁴. There are however some factors which fail to be reflected by the numbers. One of them is the system by which members of parliament are elected. In democratic systems where elections are based on the decisions of political parties, it may be the case that the exclusion of women is attributable to what can be described as the 'party culture' where representatives of the party are often selected on the basis of party ideals. In such an instance, if the party culture is not favourable to a particular gender, representation in party primaries of such gender may end up being a mere formality. Woodward elaborates on this point as follows:

*'If party culture is one of the main reasons for difficulties in improving gender balance in party decision-making, then the problem will be one that is especially difficult to address. Culture change in organisations is one of the hardest sorts of change to achieve, and requires a long time frame and extensive commitment. Further, because culture is a central part of the problem, varying tactics may need to be employed, including humour. Party mates share a number of common values. Clever strategies can make use of these in lampooning some of the practices that put women and men in concrete cultural corsets'*⁶⁵

It could be argued that such a problem may be taken care of by the quota system, with respect to female representation in political party membership. This however does not guarantee gender equality in decision making, especially where decisions are based on majority voting.⁶⁶

Another factor that the numbers fail to reflect in terms of presence in government is the impression held of the political arena, especially in less-developed countries. For

⁶² See Whelan and Wood: Increasing gender diversity through targets with teeth in : Women in Leadership (2013) at page 44

⁶³ Ibid

⁶⁴ <http://www.ipu.org/wmn-e/classif.htm>

⁶⁵ Woodward (2002) at page 13

⁶⁶ See 29 above

instance, it has been recognized that in some areas, the traditional upbringing of women makes them timid about assuming positions of leadership and makes them reluctant to vote other women in responsible positions.⁶⁷ For instance, studies conducted in Tanzania found that women are understood as lacking confidence in their ability to take up leadership positions⁶⁸. This may however be said to be changing in recent times, with the emergence of various women as democratically-elected presidents and prime ministers⁶⁹. It nevertheless cannot be discounted as a significant factor influencing the presence of women in government. Linked to this factor discussed above is the fact that in some countries⁷⁰, the influence of the first lady and women organizations under her control can provide national mechanisms with strong support for political issues concerning the advancement of women⁷¹. Thus, even if the numbers do not necessarily reflect gender parity in political representation on the surface, the substantive aim of gender equality may still be advanced. This system may however undermine the work of some non-governmental organisations which specifically aim to provide support and education for female political candidates, especially if such bodies end up patronizing the ruling government or being used merely to promote their political image of the government⁷².

In considering gender equality in government, it is also important to look beyond parliamentary representation or political party membership and also consider the relevance of other government mechanisms such as ministries and departments. Therefore while cultural perceptions may contribute to gender imbalance in the political arena, it can be argued as being 'evened out' in other government mechanisms, depending on the importance of the mechanism. For instance, in a country like Nigeria where less than 7% of the members of parliament are women, the key sectors of its economy are under female administration⁷³. This may be argued as justifying the fact that women with proper education and training can still make the vital contributions to the economy envisaged by gender equality despite the legislative imbalance.

In this section, the areas of education, work and employment have been analysed in light of the 'gender balance' aim. I have highlighted some factors influencing gender parity in these sectors which are not to be trivialised in making an overall assessment of the effect of statistics in determining gender equality. I have also briefly illustrated how some steps which are 'gender-parity focused' may be inadequate in addressing these factors

THE BIG PICTURE: THE ROLE OF STATISTICS

It is important to understand that achieving gender-balance in any of the areas discussed above is and remains an important part of ensuring gender equality. As stated

⁶⁷ See Akande J: Miscellany at Law and Gender Relations (1999) MIJ Publishers Limited at Page 175

⁶⁸ See Kombo and Minungu : Gender Imbalance in the Leadership of local government authorities in Tanzania :The case of Dodoma Municipality (2012) African Journal of Social Sciences Volume 2 page 116-123 at 122

⁶⁹ For example Ellen Johnson Sirleaf(Liberia), Joyce Banda (Malawi), Angela Merkel (Germany)

⁷⁰ Particularly in the African Region

⁷¹ See An example is the Women for Change initiative by the First lady of Nigeria which seeks to 'better the lot of the Nigerian woman economically, socially and politically (See <http://w4cdi.org/>)

⁷² See 28 above

⁷³ The Ministries of Finance, Petroleum Resources and Telecommunications are headed by women. See <http://www.ngex.com/nigeria/govt/officials/ministers.htm>

earlier in this paper, it creates a presumption that both sexes are being given an opportunity to participate in various aspects of societal existence. Research has also show that increased focus on gender equality leads to growth in any sector where it is promoted. For instance, studies conducted by Catalyst have shown that shows that companies with more women on their boards outperform their rivals with a '42% higher return on sales, 66% higher return on invested capital and 53% higher return on equity'⁷⁴. The positive effect of increased participation of both sexes in parliament does not also lack evidentiary support.⁷⁵ Increasing the presence of women in education in gender-disparate areas has also been said to hold its own social and economic benefits⁷⁶. One may also add that to a large extent, the degree of gender inequality in any given region is very difficult, if not impossible to measure, without due reliance being placed on what the numbers reflect and lack of data could limit the ability to make further progress in determining what works for women in every given context.⁷⁷

Nevertheless, caution is needed in assessing gender equality from the point of gender balance. It has been rightly recognized that gender parity is not necessarily an indicator of gender equality in any given sector.⁷⁸ In relation to the presence of women in employment, Smee and Woodroffe state as follows:

*'...For example, women may hold the same number of jobs as men in the workplace but this does not mean they are paid the same nor does it mean that they have the same opportunities for promotion as men. It also does not measure the security of those jobs, which is particularly important given that women's paid employment is often more vulnerable than men's during an economic downturn.'*⁷⁹

There are still social and structural factors that greatly influence the quality of employment enjoyed by women, which makes it the case that strictly determining gender equality by numbers will not sufficiently address. It has therefore been suggested that the achievement of gender balance and 'the meaningful participation of women in any process ultimately depend on correcting the structural foundations of gender-based inequality'⁸⁰. Furthermore, women's increased numerical representation must be complemented with efforts and measures to translate their presence into substantive representation or for them to effectively participate and influence political decision-

⁷⁴ Followell (2014) at page 5

⁷⁵ See 30 above

⁷⁶ According to Tembon, educated women tend to have fewer children, which reduces dependency ratios and raises per capita spending, eventually lifting households out of poverty. Increased maternal education also transmits intergenerational benefits by boosting the survival rate, educational level, and nutritional status of children. See: Tembon and Fort : Girl's Education in the 21st century : Gender equality, empowerment and economic growth (2008) available at http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099080014368/DID_Girls_educ.pdf

⁷⁷ See Smee and Woodroffe: Achieving Gender Equality and Women's Empowerment in the post-2015 framework (2013) available at

<http://www.gadnetwork.org.uk/storage/Achieving%20gender%20equality%20and%20women's%20empowerment%20in%20the%20post%202015%20framework.pdf> page 47

⁷⁸ See 31 above

⁷⁹ See 76 above at page 47

⁸⁰ The full view: Advancing the goal of gender balance in multilateral and intergovernmental processes (2013) available at http://www.mrfcj.org/pdf/2013-06-07_The-Full-View.pdf page 18

making.⁸¹ It is this 'substantive representation' which in my opinion, remains the key to substantive equality.

There have been various recommendations made with respect to achieving gender equality which incorporates, but is not limited to increasing numerical representation. For instance Whelan and Wood suggest that gender balance targets in organisations need to be designed and calibrated to create critical masses of women in particular work teams, units or roles, rather than a proportion of women organisation wide, which can provide a picture of overall gender balance, but pockets of extreme imbalance.⁸² This seems to be the view shared by Smee and Woodroffe who are of the opinion that any targets aimed at substantive equality must recognise that numerical parity is not sufficient to realise gender equality and that temporary special measures favouring women are needed to address centuries of discrimination and oppression⁸³. This appears to be reflected under CEDAW where temporary special measures aimed at addressing de facto equality between men and women are deemed not to be discriminatory under the Convention⁸⁴. These measures which may be legislative or administrative could include outreach or support programmes; allocation and/or reallocation of resources; preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with time frames; and quota systems⁸⁵. These measures are furthermore without prejudice to other general societal policy measures aimed at improving the condition of the woman and 'girl-child'⁸⁶.

It may be argued that in taking these 'temporary special measures', there may be a prioritisation of 'improving the condition of women' over matters of qualification and merit. The committee on CEDAW, in considering this argument stated as follows:

*'The adoption and implementation of temporary special measures may lead to a discussion of qualifications and merit of the group or individuals so targeted, and an argument against preferences for allegedly lesser-qualified women over men in areas such as politics, education and employment. As temporary special measures aim at accelerating achievement of de facto or substantive equality, questions of qualification and merit, in particular in the area of employment in the public and private sectors, need to be reviewed carefully for gender bias as they are normatively and culturally determined. For appointment, selection or election to public and political office, factors other than qualification and merit, including the application of the principles of democratic fairness and electoral choice, may also have to play a role.'*⁸⁷

In terms of the above recommendation, it is important, while not discountenancing the good intentions of the Committee, to also understand the practical complications that may arise, especially in relation to non-state actors. Some have argued that evidence with respect to work-place relations, women whose selection is seen to be non-merit-based are viewed as less competent, less likeable, less legitimate and deserving of lower levels of remuneration compared to their female or male colleagues who are believed to have been selected under a merit-based system.⁸⁸ This serves as the basis for the

⁸¹ Ibid

⁸² See 61 above at page 46

⁸³ See 77 above

⁸⁴ Article 4(1) and 4(2)

⁸⁵ See General comment 25 CEDAW, paragraph 22. Furthermore, their 'temporal nature' has been said not to imply that the duration of their implementation would be short.

⁸⁶ Ibid at paragraph 19

⁸⁷ Ibid at paragraph 23

⁸⁸ Women in Leadership: Understanding the gender gap (2013) at page 39

conclusion that quota systems in the private sector would most likely evoke a negative reaction from stakeholders⁸⁹. The public sector is not immune to this possibility, especially in relation to the most important decision-making roles. It is however noteworthy at this point that this complication could also be largely context and environment specific and experiences in some settings have shown that measures such as quotas to increase women's representation and participation for more gender-responsive policy outcomes can be implemented in a gradual manner, starting with a lower target and subsequently increasing same⁹⁰. In any case, the negative reaction discussed above can be addressed to a large extent by step being taken with respect to training and awareness of issues relating to gender equality which would accompany the special measures.⁹¹

There are also other measures that have been recommended in relation to gender equality, many of which are centred around consultation with women's bodies on gender equality issues, improving disaggregated data collection system, creating incentives through conditional cash transfers to encourage households to send girls to school and improving the quality of teaching in schools⁹². The proper combination of all these measures can arguably ensure that progress is made towards substantive equality. There is however an important consideration raised by Charleston et al in relation to these and similar measures. According to them

*'the male-centred view of equality offered in international law is tacitly reinforced by the focus in the Women's Convention on public life, the economy, the legal system and education and its only limited recognition that oppression within the private sphere, that of the domestic and family worlds contributes to women's equality.....the assumption appears to be that women's inequality is removed once women participate equally in decision-making forathis account of equality ignores the underlying structures and power-relations that contribute to the oppression of women'*⁹³

Thus, for instance, one may suggest that the current approach to equality fails to consider the possibility of 'women's inhumanity to women' wherein women themselves denigrate those of their own sex who find themselves in position of management and decision-making either because of envy or over-estimation of self-worth⁹⁴. It must not be taken for granted that all women across the world are the same and have the same conception of issues such as 'having a voice' or 'making progress'. The differences among women themselves may not be easily tackled by many of the gender equality measures suggested. Doing so would require that at the most basic level of education and training, the differences between both sexes are taken into account. Therefore, the 'boundaries of human rights canon' must be redefined to accommodate women's lives.⁹⁵ This would for instance mean that the value of paid work (which is dominated by men) would not be considered as higher than 'private family work' or other unpaid work (an arena dominated by women) simply because 'paid work' contributes to economic

⁸⁹ Ibid

⁹⁰ See 78 above at page 12

⁹¹ Ibid

⁹² See 88 above at page 2

⁹³ Charleston and Chinkin: The boundaries of International Law: A feminist analysis (2000) MUP at 231

⁹⁴ See 65 above at 117

⁹⁵ Charleston and Chinkin (2000) at 249

development and family work does not⁹⁶. This would not only recognize the peculiarity of the lives women live but also show respect for the individual choices that may be responsible for the segregation.

CONCLUSION

In this paper, I have attempted to critically examine the concept of gender balance in relation to three key areas: education, work and government. It has been explained how gender balance in itself can serve as a useful indicator of a progressive shift towards the overall aim of gender equality. This paper has further highlighted certain factors in the key areas outlined above which show that as useful as gender balance might be, it cannot be considered an 'end goal' in itself in which case any gender parity or disparity cannot be regarded as conclusive proof of gender equality or inequality. It has been argued that factors such as individual choice and socio-economic patterns can influence gender balance and even if they are arguably influenced by social constructs which must be 'deconstructed' to ensure gender equality, the nature of some of the choices and patterns are such that 'deconstruction' could negatively impact individual autonomy. It has further been argued in relation to education that gender balance in terms of enrolment rates at various stages of education does not of itself ensure equality in terms of attainment of education and the quality of education enjoyed by both sexes. With respect to government, the importance of considering individual impressions concerning the political arena and approaching gender balance in government holistically wherein all government mechanisms are taken into consideration has been explained.

It is not in doubt that the numbers used in determining gender balance are relevant for the purpose of determining gender equality. However it is important to understand that even obtaining gender parity cannot be regarded as an end in itself. It must rather be considered as an important step towards ensuring more effective climate policy that is responsive to the differing needs of women and men, at all levels.⁹⁷Therefore, the quality of education available at all levels to both sexes, taking their 'differing needs' into account must be emphasized above mere enrolment. Increasing the presence of women in work and government(especially in decision-making must also not be at the expense of ensuring that every other available measures to promote effective participation of women in decision-making at all levels is utilized, neither must it undermine the principles of meritocracy and fairness.

⁹⁶ Ibid at 242

⁹⁷ The Full View page 2

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