

# **PUBLIC LAW AND GENDER EQUALITY**

Prof. dr Marko Davinic

# Professors

- Prof. Dr Eleonor Kristoffersson and Dr Maria Sjöholm (Orebro University)
- Prof. Dr Thomas Giegerich (Saarland University)
- Ass. Prof. Dr Giuseppe Puma (LUMSA University)
- Prof. Dr Tanasije Marinković and Prof. Dr Marko Davinić (Belgrade University).

# Aims of the course

- to create a framework for understanding the gender perspective of key Constitutional Law and Administrative law institutions and their re-evaluation on the basis of the gender equality principle.
- to stimulate critical thinking and cooperative learning in order to better conceive the need, challenges and obstacles for the effective implementation of the gender equality principle in the area of public law
- to stress the importance of representation of woman in all levels of government

# The focuss

- The focus will be on comprehensive overview of international standards in this field.
- Professors will decide to what extent they will mention national standards during the classes.

# Course results

Upon finishing the course, the students:

- should have in-depth knowledge of the concept, principles and aims of gender sensitive Constitutional and Administrative law
- should be able to analyze key gender issues throughout these two fields of law in their political, social and economic context

# Instruction methods

- Student-centered approach, in which students are actively involved in the process of learning
- All students` activities will be taken into account for the final passing of the exam.
- The teaching method includes analysis of case-law of CJEU, ECtHR , national courts and case studies focusing on complex legal issues.

# Course content

- Constitutional law, administrative law and gender equality
- Influence of gender-equality norms from international and EU law on national public law
- Public law and gender-based violence (the public-law aspects)
- Public law aspects of Antidiscrimination Law
- Representation of women in all levels of government and in political life

## Underrepresentation of women (1)

“Women constitute 50 percent of the global population but are, nevertheless, underrepresented in decision-making processes at all governance levels around the world because they are still lacking access to political leadership and resources.(...)”

S. Delys, *Women & Political Representation*, 2014, p. 5.

According to data of Inter-Parliamentary Union (IPU), with a global average of 25% women, most parliaments remain male-dominated.



## Main international instruments regarding political participation of women

The 2011 UN General Assembly resolution on women's political participation (A/RES/66/130)

Council of Europe, Recommendation Rec (2003) 3 of the Committee of Ministers to member states on balanced participation of women and men in political and public decision making

The 1995 Beijing Platform for Action

The 1990/15 UN Economic and Social Council resolution

The 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

## Underrepresentation of women (2)

The Women and Foreign Policy program has launched in 2020 the “Women’s Power Index,” as a new interactive tool. It ranks 193 UN member states on their progress toward gender parity in political participation.

Although the number of female heads of state has surged over the last three decades, women remain underrepresented at all levels of government.

Namely, out of 193 countries only 22 currently have a female head of state or government, only 13 have at least 50 percent women in the national cabinet and only 3 have at least 50 percent women in the national parliaments.

R. B. Vogelstein, A. Bro, Women’s Power Index.

# Causes of underrepresentation

Different factors play part in current situation where women are politically underrepresented (e.g. poverty, unemployment, lack of adequate financial resources, limited access to education, and traditional attitudes regarding woman – they are still perceived as mothers and housewives).

There is a direct link between the social and economic status of women in society and their participation in political life.

# Gender quotas

An increasing number of countries are introducing various types of gender quotas for public elections in order to address the problem of underrepresentation.

There are three main types of gender quotas used in politics:

- 1 Reserved seats
- 2 Candidate quotas
- 3 Political party quotas (voluntary party quotas).

Drude Dahlerup: "Increasing Women's Political Representation: New Trends in Gender Quotas".

# Quotas are not a silver bullet

Setting quotas for women isn't a silver bullet when it comes to achieving gender equity and well-being.

"If quotas are implemented, they must be accompanied by other initiatives, e.g. including high-profile gender champions, who can actively advocate and engage within the local political and business landscape".

The Committee for Perth's latest FACTBase report, *Gender in the Boardroom: Learnings from world-leader Norway*.

# Change of perception

The challenge in ensuring women's participation goes beyond electing a larger number of women in state institutions. It is also about changing the dominant perception in society that the public affairs are male domain.

Thank you!