



**D.2.1 - Working paper on an effective transformative equality strategy towards enhancing women's representation in decision-making and leadership positions**

Document Data	
<b>Report Title</b>	Working paper on effective transformative equality processes towards leadership positions
<b>Contributors</b>	Linda Senden, Elena Ghidoni, Caroline Perrin, Panos Kapotas, Susan Andriessen,
<b>Work Package</b>	2
<b>Responsible Project Partner</b>	Utrecht University
<b>Reviewers</b>	Karen Johnston, Virginija Langbakk, Christopher McCrudden, Amanda Gouws
<b>Due Date</b>	February 29th, 2024
<b>Delivery Date</b>	February 29 <sup>th</sup> , 2024, updated version: 24 July, 2024.
<b>Type</b>	R – Document, report
<b>Dissemination Level</b>	PU- public
<b>Keywords</b>	Leadership, women, transformative equality, best practices, public sector, private sector, quotas



## Table of contents

Table of contents .....	3
List of abbreviations .....	6
Executive summary.....	8
1. Introduction .....	12
1.1 Objective and focus.....	12
1.2 Methodology and structure.....	14
2. Acknowledgement and Diagnosis: the problem of under-representation, its recognition and root causes .....	20
2.1 What is 'representation' about; underlying goals, values and expectations.....	20
2.2 Qualitative assessment of women's under-representation: root causes and structural barriers.....	29
(i) Harmful gender stereotyping and biases.....	29



This publication has been produced with the financial support of the European Union's Horizon Europe research and innovation program under Grant Agreement n° 101094497. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Research Executive Agency (REA). Neither the European Union nor the granting authority can be held responsible for them.

(ii) Structural and gendered barriers in accessing board positions in the private sphere .....	32
(iii) Structural and gendered barriers in accessing public leadership positions.....	35
2.3 Looking at under-representation in the crisis context and through an intersectional perspective .....	40
3. The Gap: quantitative assessment of under-representation in public decision-making institutions and on company boards.....	43
4. The Actions: towards an effective transformative strategy to enhance women's representation in decision-making and leadership.....	50
4.1 Main building blocks.....	50
4.2 Acknowledgement that the cultural-political context is subordinate to the lowest legal common denominator obligation .....	52
4.3 The setting of positive obligations for public and private institutions as part of a holistic/comprehensive approach .....	53
4.3.1. The setting of an organisational transformative equality mission, vision and action plan.....	53
4.3.2 The gathering of necessary data .....	55
4.3.3 The adoption of positive action measures .....	56
4.3.4 Redefining merit and co-ceo ship .....	60
4.3.5 Purposefully inclusionary policies and 'satellite measures' .....	61
4.3.6 Raising of awareness, stimulating dialogue, building support and tackling resistance .....	66



5. Testing quota approaches against the RE-WIRING TEA .....	70
5.1. In the public sector .....	72
5.2 In the private sector.....	84
5.3 Beyond the public / private sector dichotomy: Institutional infrastructure and gender-sensitive parliaments.....	90
5.4 Institutional, symbolical, and experiential dimension: Gender-sensitive parliaments as the springboard for transformation .....	93
6. Conclusions .....	96



This publication has been produced with the financial support of the European Union’s Horizon Europe research and innovation program under Grant Agreement n° 101094497. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Research Executive Agency (REA). Neither the European Union nor the granting authority can be held responsible for them.

## List of abbreviations

ANC – African National Congress (South African political party)

ANCWL – ANC Women’s League

B-BBE – Broad-based Black Economic Empowerment

CEDAW – The Convention on the Elimination of All Forms of Discrimination against Women

CEO Chief Executive Officer

CGE – South African Commission on Gender Equality

CJEU – Court of Justice of the European Union

CSW – UN Commission on the Status of Women

EELN – European Equality Law Network

EFF – Economic Freedom Fighters (South African political party)

EIGE – European Institute for Gender Equality

ESG – Environmental, Social and Corporate Governance

EU – European Union

EUCFR – Charter of Fundamental Rights of the European Union

FTSE – Financial Times Stock Exchange

GECT – Gender Equality Continuum Tool

GEP – Gender Equality Plan

GEPP – Gender Equality Policy in Practice Approach

GGGI – Global Gender Gap Index

GSNI – Gender Social Norm Index

IBEX 35 – benchmark of Spanish stock exchange

ICCPR – International Convention on civil and political rights

IGWC – Interagency Gender Working Group

IPU – Inter-Parliamentary Union

JSE – Johannesburg Stock Exchange

LGBTQIA+ – Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and other identities

MP – Member of Parliament



NGO – Non-governmental organisation

OECD – the Organisation for Economic Co-operation and Development

PEPUDA – Promotion of Equality and Prevention of Unfair Discrimination Act

SADC – Southern Africa Development Community

SDG – Sustainable Development Goals

SIGI – Social Institutions and Gender Index Report

TEA – Transformative Equality Approach

TFEU – Treaty on the Functioning of the European Union

UN – United Nations

UN Women – the United Nations Entity for Gender Equality and the Empowerment of Women

VAW – Violence Against Women

WVS – World Value Survey



This publication has been produced with the financial support of the European Union's Horizon Europe research and innovation program under Grant Agreement n° 101094497. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Research Executive Agency (REA). Neither the European Union nor the granting authority can be held responsible for them.

## Executive summary

The under-representation of women in decision-making roles is a multifaceted issue with far-reaching consequences, affecting not only individual women but organisations and society as a whole.

This paper presents an analysis of **gender disparities in leadership roles** across public and private sectors, and across the countries represented in the project consortium, exploring their origins. It dissects the complex landscape of underrepresentation of women, employing both quantitative metrics, such as the Global Gender Gap Index, and qualitative approaches, such as the Gender Social Norms Index to depict a nuanced picture of the challenges women face in ascending to leadership positions. The paper argues that the problem is deeply rooted in societal norms and biases, going beyond mere statistics to reflect a systemic gender bias.

The paper also seeks to **highlight effective laws, policies, and practices inspired by or embedded in a transformative equality approach (TEA)**. It therefore assesses the transformative nature and (potential) effectiveness of various approaches, including quotas, public awareness initiatives, and internal gender action plans. The exploration extends to the public as well as the private sector, scrutinising the impact of statutory quotas and voluntary codes of conduct in fostering gender diversity in politics and corporate boardrooms. The paper is also to be read in conjunction with D.2.2, which considers the laws and policies in place in the consortium countries (Belgium, the Netherlands, Spain, Poland, the UK, and South Africa) to enhance balanced gender representation in leadership and decision-making roles.

**To assess the transformative nature of (proposed) solutions, laws, policies and practices aimed at promoting gender equality in leadership and their potential effectiveness, they are considered under the angle of the RE-WIRING Transformative Checklist and Implementation Strategy as developed in Deliverable 1.3 of the project.** The paper emphasises the importance not just of institutional measures like gender quotas, but also of the processes that empower inclusive law- and policymaking and contribute to the dismantling of entrenched gender power hierarchies. As such, it underscores the necessity of addressing the underrepresentation of women in leadership through a comprehensive approach that will operate simultaneously on the **institutional**, the **symbolical**, and the **experiential** level. This approach requires a **basic institutional infrastructure** that will encompass **both the public and the private sector**, as well as **satellite measures** that will strengthen the impact of gender quotas and other positive action measures designed to directly address the gender gaps in leadership and decision-making. Within this framework, gender sensitive parliaments have a critical role to play, as they can constitute a minimum common denominator for what transformative equality looks like institutionally, symbolically, and experientially.



The analysis clearly reveals that, while legal frameworks and quotas form a critical foundation for change, their success is significantly amplified by broader cultural shifts, heightened public consciousness, and a commitment to gender-sensitive practices within organisations. This research solidifies the understanding that achieving transformative equality is an intricate, multidimensional endeavour that demands consistent and collaborative efforts at various societal levels.

From the research, it can be derived that **an effective transformative strategy to secure enhanced representation of women in decision-making and leadership requires recognition of the following key levels and elements:**

#### **Acknowledgement and Diagnosis:**

1. **Acknowledgement of the three underlying values and purposes** for better representation of women in decision-making and leadership **as constitutional societal foundations; democracy/corporate social responsibility, fundamental right, business case**
2. Recognition that these values/aims entail not only a prohibition of discrimination, but **positive obligations** on states and businesses to promote the required change with a view to living up to the promises these foundations entail;
3. **State to lead by example** because of this foundational, constitutional relevance;
4. **Recognition of the identified structural barriers and root causes** of under-representation and recognition of the need for actions geared towards combating these barriers and causes;
5. Recognition that **a comprehensive, holistic approach** is needed to address and remedy these barriers, with policies that transcend the mere taking of measures to promote women in leadership roles and include, for instance, work-life balance rules and measures combating violence against women;
6. Recognition that **both the public and the private sphere** need to be part of this strategy;

## Gaps:

7. Recognition of the need to **secure relevant and comprehensive data** within each institution/company, including from an intersectional and a crisis perspective;
8. Recognition of the need to **scrutinise own institution/company policy, procedures, culture** on the existence of structural barriers.

## Actions:

9. National actions need to **respect and build on already existing international/EU legal frameworks that entail obligations for change** for countries party to them and recognise that the national cultural-political context is subordinate to these legal frameworks and cannot serve as an excuse not to take any action at all and not to meet state obligations;
10. National actions must encompass **the setting of a clear transformative equality long-term vision and mission** that lays down **goals** and **priorities**;
11. With a view to realising these goals, national actions must encompass **positive obligations**, including the adoption of an action plan, mainstreaming measures, specific targets, scrutiny of own organisation's policy in the light of the identified barriers (what signs/evidence may be found of discrimination, old boys' network, glass walls/cliff etc.). The setting of positive obligations must specifically also include **consideration of different types of positive action measures** beyond the eradication of discrimination, while leaving room for reflexivity/cultural sensitivity, i.e. the shaping of an organisation's corporate/institutional policy as to how to realise targets with emphasis on overcoming resistance/engaging people in transformative equality efforts.
12. In the setting of such positive obligations and carrying out efforts for change, it is key to **ensure dialogue and engagement of all employees and stakeholders**.
13. **Accountability mechanisms** for the implementation, compliance, monitoring and enforcement of the positive obligations must be put in place. In particular, these mechanisms must include reporting duties and consequences/sanctions attached to non-compliance.
14. **External bodies** are also to play a role in this regard; these include not only independent national monitoring and enforcement bodies, such as Labour Inspectorates, equality bodies, civil society organisations, and social partners, but also the media.

In the public sphere, women's underrepresentation in political offices and decision-making positions limits the diversity of perspectives in governance and policy-making processes. To remedy this, we advocate for the implementation of gender quotas in political parties and electoral lists as a temporary measure to accelerate women's political representation. Additionally, policies aimed at reducing the gender pay gap, providing parental leave, and ensuring flexible work arrangements can remove some of the systemic barriers that women face in pursuing careers in the public service.



In the private sector, our study highlights the need for corporate policies and practices that promote gender diversity at all levels of leadership. Companies should be encouraged to adopt transparent recruitment and promotion processes, establish mentorship programmes, and foster inclusive workplace cultures that value diversity and equality. Moreover, the adoption of corporate governance codes that include gender diversity criteria could incentivise businesses to prioritise women's representation in their boards and senior management teams.



This publication has been produced with the financial support of the European Union's Horizon Europe research and innovation program under Grant Agreement n° 101094497. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Research Executive Agency (REA). Neither the European Union nor the granting authority can be held responsible for them.

# 1. Introduction

## 1.1 Objective and focus

The authority gap can be seen as ‘the mother of all gender gaps’.<sup>1</sup> Authority concerns the legitimate use of power to make decisions (e.g. a political party having a democratic mandate). But within patriarchal societies, it is often the case that the authority of male dominated institutions and determinants of power excludes women and various groups considered as 'other'. Authority also determines which social groups have the power of definition. By being excluded from or under-represented in authority positions, women's power of definition of what matters and what does not matter, of how policies and rules should be developed, is limited. This not only limits women's equal opportunities to shape the institutional landscape, but it also undermines women's interests as a group. As a result, insofar as women's authority and concomitant power of definition remains low, the closing of other gender gaps - in employment, enterprise, education, care, politics, arts, etc. - will be very difficult to realise. At the same time, the persistence of these other gender gaps has a negative impact on women's authority and power of definition, creating a particularly vicious circle.<sup>2</sup>

The present working paper takes the authority gap and the gendered power hierarchies it embodies as its point of departure and aims at identifying effective transformative equality approaches that enhance women's positions in decision-making and leadership. Acknowledging the complexity of this topic, this deliverable focuses on women's numerical presence in the legislature and executive, and in the private sphere, specifically in the boards of listed companies. It reviews the laws, policies and practices adopted to increase women's representation in leadership positions in these domains, with a focus on effective transformative mechanisms and the conditions that allow a balanced representation between women and men to become a reality. As such, the aim of this paper is twofold. First of all, it seeks to develop the RE-WIRING TEA research methodology further specifically with a view to identifying the benchmarks for effective transformative approaches and tools for the enhancement of women in leadership positions. Secondly, it is focused on the identification of good practices and recommendations for facilitating transformative equality approaches in the covered key areas of decision-making that – have potential to – fulfil these benchmarks. As such, this working paper presents a new interdisciplinary methodological framework for the identification of effective transformative approaches towards enhancing women's position in decision-making and leadership and a first testing of the most prominent approaches in the field so

---

<sup>1</sup> In this sense, M.A. Sieghart, *The authority gap. Why women are still taken less seriously than men, and what we can do about it* (Penguin 2021) p. 3.

<sup>2</sup> Ibid.



far. It is not intended to be exhaustive, but rather to provide a stepping stone for further research and engagement with a variety of stakeholders in this field with a view to determining their practical effectiveness at the levels indicated.

This working paper forms parts of RE-WIRING's work package 2 on enhancing women's voice, agency and decision-making, which focuses on the institutional dimension of ensuring a transformative equality approach and overcoming the gendered nature of law- and policy-making processes. The overarching aim of the work package is to identify both organisational constraints and incentives to giving women voice and agency, as well as key indicators of gender-transformative approaches and good practices that may be inferred from this. This paper therefore needs to be closely considered with the other deliverables of this work package, in particular the country reports (D.2.2) and comparative analysis thereof (D.2.3).

For approaches and actions to be transformative, it is essential that they address gendered-intersectional - power hierarchies and combat structural inequality and exclusion and their underlying root causes. Therefore, the consistent starting point of the RE-WIRING Transformative Equality Approach (TEA) is that it is focused on 're-wiring institutions' towards such a transformative equality approach and not on actions geared towards 'fixing the women'. The key is thus to design policies and practices that avoid recommending, let alone implementing, solutions that are geared towards encouraging women to adapt to and fit with existing institutional systems that may still be gendered and patriarchal in nature and built on harmful gender stereotypes and biases. As the RE-WIRING TEA is specifically designed to investigate such institutional root causes of gender inequalities and propose effective solutions that will generate change across the institutional, symbolical, and experiential level, the working paper will identify 'fixing the institutions' rules, policies, and practices that have such potential.

Hard law positive action measures in the form of quotas are among the most diffuse and effective tools to date to address women's underrepresentation in leadership positions in both public and private institutions, but other soft law, self-regulatory and more subtle forms of positive action mechanisms are equally important in building the conditions for women's access to such positions



This publication has been produced with the financial support of the European Union's Horizon Europe research and innovation program under Grant Agreement n° 101094497. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Research Executive Agency (REA). Neither the European Union nor the granting authority can be held responsible for them.

in a consistent and continuous way. Moreover, it is key to address simultaneously the factors that deter women from pursuing and attaining leadership positions in public life, most importantly violence against women in politics, lack of childcare facilities and work-life balance measures and hindering formal and informal practices and rules within institutions (male networks, work culture, etc.).

## 1.2 Methodology and structure

This working paper follows a three-step approach towards the identification of good and best transformative equality approaches for enhancing the position of women in decision-making and leadership, in alignment with the general RE-WIRING TEA research and methodology template and checklist (see D.1.3). This template starts from the position that any – proposed – transformative action requires first a sound problem definition and analysis, including the identification of existing gaps and shortcomings, as well as identification of benchmarks for 'effective and transformative' change.

### **The first step: Acknowledgement and Diagnosis (Section 2)**

What problem of (under)representation of women can be identified and what is the nature of this problem, not only numerically but in terms of the structural inequality and gendered dynamics of power hierarchies that it results from? What are the root causes of women's underrepresentation in leadership positions in both the public and private sectors and how are these associated with (harmful) gendered roles/stereotypes and with – traditional/cultural - determinants considered as natural or objective? In identifying the root causes, we thus focus on the underlying power dynamics, systems and hierarchies and their intersection as well as their possible colonial, cultural, intersectional and crisis dimensions.<sup>3</sup> This focus also requires a multi-stakeholder perspective and the taking into account of the diverse realities of women, acknowledging the gendered inequalities anchored in a binary, heteronormative and cis-normative reality. We also seek to explore how indigenous/non-Western epistemologies and their construction of gender can be helpful in accurately diagnosing the workings of neo-colonial and neo-liberal ideologies in maintaining structural inequalities in leadership positions in various cultural contexts.

---

<sup>3</sup> The crisis dimension will also be further explored in WP 6 deliverables.

### The second step: determination of the Gaps (Section 3):

To determine the scope and the scale of the problem of underrepresentation of different groups of women in different hierarchical power systems, hierarchies and dynamics, in the public as well as private sphere, sound data are a prerequisite. A relevant question to address is therefore whether existing data are sufficient and whether/how those data allow to establish (direct) causal links to the identified root causes of underrepresentation. Particular issues requiring attention in this regard are: what data are lacking and/or what are possible weaknesses, limitations, faults in existing data sets as produced by different institutions, both at the national, European, global levels? How can indigenous and non-Western knowledge systems be helpful in revealing such gaps and inconsistencies in dominant representations and narratives on gender, grounded in binary logics of gender and neo-colonial power? How does the lack of data impact on different groups; does it entail that the underrepresentation of certain undocumented groups remains invisible or that their situation is not (well) addressed, wrongly approached, etc.?

### The third step: identification of Effective Transformative Actions (Section 4):

In the final step, the paper identifies laws, policies, rules and mechanisms that can be considered as effective transformative actions for addressing the underrepresentation of women in the specified public (government, parliament) and private (large company boards) settings in the countries covered by the project, including Belgium, the Netherlands, Poland, Spain, South Africa, and the UK.

For – proposed - actions to qualify as **transformative**, they need to fit the following benchmarks as contained in the RE-WIRING TEA checklist:

- be directed adequately to the **source** of the problem in the gendered manifestation and the institutions/actors involved;
- when directed towards women and girls, are the **risks contemplated of possibly reinforcing gendered power hierarchies** and/or structural inequality dynamics (through stereotyping or

ghettoization, for example). If those risks exist, does the action include risk assessment and mitigation strategies?

- when the action goes beyond the gendered manifestation itself and seeks to remedy its root causes of structural inequality: does it **identify specific power nodes/dynamics** and their relationship with the gendered manifestation; are the **requirements of intersectionality, cultural sensitivity, decoloniality and crises-robustness** met; can our actions generate **group coalitions** to address struggles that go beyond the gender grievance at hand; does the action rely on **co-creation** and meet (also) the interests of identified and/or participating stakeholders?
- as structural conditions give power in the social hierarchy (e.g., being a man, being a cis person, a heterosexual person, a white person or a rich person): does the actions target the individuals who hold power in the hierarchy; do our actions contribute to **overcoming resistance and encouraging the revision of the privilege of those who can be agents of change**, stimulating them to hold an ally role; are the powerful groups who engage in these actions concerned about structural inequality or can they be involved or committed to transform structural inequality?

For – proposed - transformative actions to be **effective** not only on paper but to bring change in practice, they need to pass a three-level effectiveness test (see D.1.3 in more detail):

1. *Ensure adequate institutional – regulative – output:*

What type(s) of rule, measure, approach, practice is/are at issue? What rights and obligations do they establish, vis-a-vis whom and what are they aimed at? By whom are they set: public, private, social partners? Are they created with the voices/participation of girls and women, other stakeholders? Are they legally binding, non-binding? Is legal implementation, compliance, monitoring and enforcement secured, and if so, how? What connections are established between actors, institutions and ideas/measures?

2. *Assess experiential – normative – impacts and redress where necessary:*

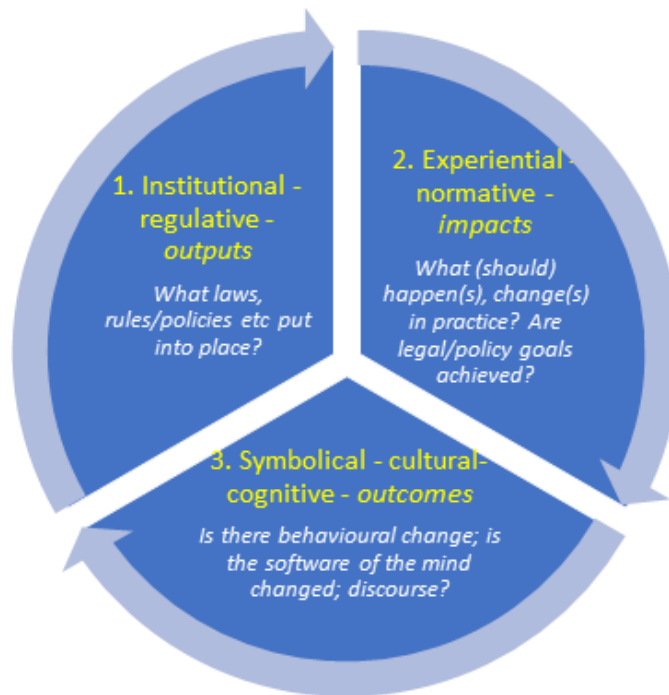
What are the normative goals and values underlying the institutional measures, laws, policies etc. that should be achieved? Are they gender-exploitative, -blind, -neutral, -sensitive, -transformative? Do they seek to mainstream gender equality in all policy fields? What are identifiable effects in terms of realizing policy change and progress in the field that can be traced back to the rule, measure, approach, practice at issue? What are obstacles; why do they work, why not? What is necessary to make them work? Do they have unintended effects that negatively impact on girls' and women's inclusion, representation and empowerment?





3. *Assess experiential/symbolical – cultural-cognitive – outcomes:*

Is there any behavioural, organizational or social change on the part of the institutions/actors involved, that can be considered a demonstration of change of 'the software of the mind' towards realising more gender equality and tackling harmful gender stereotyping and biases as root causes of structural and institutional discrimination and exclusion? For instance, are there any awareness raising or publicity changes in terminology/discourse/narrative that suggest change and evolution towards transformative equality?



The research for the purposes of sections 2 and 3 (acknowledgement and diagnosis, gaps) has been carried out on the basis of an extensive literature and data/statistics-review, drawing on different disciplinary fields, including law, economics, political science and governance, social sciences and gender studies. It adds to the state of the art of the research on the root causes of women's under-representation in leadership and decision-making by not only bringing together insights and data from different disciplinary fields, but specifically also by considering them under the angle of the guiding questions as identified for steps 1 and 2.

Section 4 is based on a desk-based examination of existing national, European and UN legislative as well as other policy frameworks, including those of the OECD and EU. It also draws on earlier EU-wide comparative studies on the institutional approaches towards promoting women on company

boards<sup>4</sup> and in political decision-making,<sup>5</sup> executed within the framework of the European Commission's Equality Law Network, by EIGE, Equinet and other international organisations and third sector organisations. Section 4 offers an overview of legal and policy approaches and practices that have impacted positively on the representation of women in key decision-making positions in the countries covered by the RE-WIRING project, but that also ensuing from the multi-disciplinary literature review.

The added value of the analysis provided in this section lies in particular in its consideration from the perspective of the identified transformative benchmarks as well as their consideration under the three-level effectiveness testing framework. To be clear, the presented overview does not seek to be exhaustive, but rather to identify the most prominent manifestations of good practice approaches (or those being perceived as such) and to provide a more developed framework for the analysis of their actual transformative capacity and the testing of their potential effectiveness.

Additionally, at several moments in time there has been an exchange with a variety of stakeholders on the national and international level to obtain feedback on the findings obtained, input from their practice and discussions on the conclusions to be drawn.<sup>6</sup>

---

<sup>4</sup> Linda Senden and Sonja Kruisinga, Gender-balanced company boards in Europe. A comparative analysis of the regulatory, policy and enforcement approaches in the EU and EEA Member States, Luxembourg, Publications office of the European Union, 2018.

<sup>5</sup> Biljana Kotevska and Vera Pavlou, Promotion of gender-balance in political decision-making. Luxembourg, Publications Office of the European Union, 2022.

<sup>6</sup> On January 15, 2024, the draft paper has been discussed in a hybrid stakeholder meeting at Utrecht, with international and national representatives, including of the OECD, CEC, the Dutch Social and Economic Council (SER), the FNV (major Dutch trade union) and others. It has also been presented by Mirella Visser and Linda Senden at the annual TopWomen meeting of the Dutch Social Economic Council in the Hague on March 5, 2024.

## **2. Acknowledgement and Diagnosis: the problem of under-representation, its recognition and root causes**

This section explores the nature of the problem of under-representation of women in decision-making and leadership positions. Before delving into the reasons that underlie women's under-representation in decision-making and leadership, and the power hierarchical structures and mechanisms that reproduce this phenomenon, it is important to define and delineate the concept of (under-)representation. This conceptualization is essential with a view to determining what the normative goals and values are that underlie the representation of people/women in the public sphere of decision-making bodies as well as the private sphere of large companies. Only upon the basis of that identification will one be able to assess the transformative nature and effectiveness of certain actions at the identified levels.

### **2.1 What is 'representation' about; underlying goals, values and expectations**

This conceptual analysis builds on the description of representation provided in D1.1,<sup>7</sup> where representation is understood in two ways. First, as the process through which language and discourse practices function as a bridge between our thoughts or mental concepts and meaning making.<sup>8</sup> Second, as a dimension of social justice, including (under) representation of marginalised and oppressed groups, such as women, within institutional and societal structures both in the public and the private spheres.<sup>9</sup> Our focus here is on this second dimension.

The section first highlights the connection between representation and democracy, pointing at the root causes of women's underrepresentation, codified in the very structure of modern societies, and thus revealing the importance of addressing underrepresentation in democratic societies. Moreover, research has emphasised the importance of exploring political participation in the different areas of life where it flourishes, beyond the realm of parliaments and political parties; this includes participation –online and offline- in civic spaces, feminist movements and women's organisations,

---

<sup>7</sup> A Review of Concepts of Gendered Power Hierarchies and their Taxonomy. RE-WIRING Deliverable Report 1.1, 30 September 2023, available at: [https://re-wiring.eu/wp-content/uploads/2024/01/A-Review-of-Concepts-of-Gendered-Power-Hierarchies-and-their-Taxonomy.300923\\_compressed.pdf](https://re-wiring.eu/wp-content/uploads/2024/01/A-Review-of-Concepts-of-Gendered-Power-Hierarchies-and-their-Taxonomy.300923_compressed.pdf) .

<sup>8</sup> This is part of WP 5.

<sup>9</sup> Ibid n 7, 28-29.

trade unions, etc.<sup>10</sup> In today's societies where large companies hold power that is akin to the exercise of public power, the political dimension of representation also extends to the private, market sphere. The section then goes into the individual fundamental rights rationale of representation, as a matter of human dignity, equality and equal opportunities and individual fairness. Next, there is also the economic, business case rationale that underscores the importance of women's representation in the marketplace, on company boards of large companies. In discussing the underlying purposes and values of representation, we also zoom in on the expectations that are and can be held of women's representation on law and policy outcomes and business benefits.

### (i) Democracy and representation

In the realms of politics and public life, women's under-representation undermines the principles of democratic representation. Achieving gender parity in representation and participation is a key step towards building healthy democracies.<sup>11</sup> The issue of equal representation of men and women in political life has also had a central position in the gender equality discourse for quite some time. In particular, the introduction of quotas has been highly debated and contested, often portrayed by critics as a threat to the modern notion of political representation as unitary and general.<sup>12</sup>

From the perspective of transformative equality, what is crucial in the approach to positive action and specifically gender quotas is the shift from *presence* as a goal in itself, to the recognition that

---

<sup>10</sup> Laurel S Weldon, 'Power, exclusion and empowerment: Feminist innovation in political science' (2019) 72 Women's Studies International Forum 127.

<sup>11</sup> Philippa Norris, 'The State of Women's Participation and Empowerment', background paper for UN Women Expert Group Meeting, Sixty-fifth session of the Commission on the Status of Women (CSW65), 2020.

<sup>12</sup> Rodríguez-Ruiz Blanca and Rubio-Marín Ruth. 'The gender of representation: on democracy, equality, and parity' (2008) 6 International Journal of Constitutional Law 287.

underrepresentation is a symptom of *oppression*, and therefore problematic, which these mechanisms seek to address. From this viewpoint, quotas should not be seen as mere instruments to increase diversity or difference among elected officials, but to correct a symptom of women's subordination and exclusion,<sup>13</sup> embedded in the social contract.

So, increasing women's presence in decision-making is a necessary (if not sufficient) step towards the overcoming of gendered power hierarchies and achieving genuinely representative democracy.<sup>14</sup> This also concerns increasingly the market sphere, in which large companies have gained powers that are akin to that of public regulators; enhancing women's representation in such companies can also be seen as a prerequisite for building healthy democracies and as a necessary part therefore of corporate social responsibility. When it comes to **the expectations one can hold of women's political representation in bringing change**, Pitkin's distinction between descriptive, symbolical, and substantive representation is helpful.<sup>15</sup> Researchers have focused in particular on the extent to which quota systems are effective in improving representation in one of these dimensions.

*Descriptive theories* generally assume that the increased presence of women among decision-makers has substantive impact on policies (e.g. critical mass theory: reaching a tipping point, female representatives are numerous and powerful enough to speak and act).<sup>16</sup> An example of this approach is research on women's legislative behaviour, which considers the relevance of sex for policy action or the impact of increased gender representation on policy outcomes.<sup>17</sup> Such an approach makes two problematic assumptions: that women are a homogeneous category (with the same needs and preferences) and that being women necessarily implies sympathy for gender policies. From the RE-WIRING TEA perspective, such an approach would be too simple and fall short already for not taking into account sufficiently the diverse realities of women.

---

<sup>13</sup> Barrère Unzueta, María Ángeles (Maggy), 'Versiones de la democracia, feminismos y política radical', in Mestre i Mestre, Ruth M. and Zúñiga Añazco, Yanira, *Democracia y participación política de las mujeres. Visiones desde Europa y América Latina* (Valencia: Tirant lo Blanch, 2013), p. 71.

<sup>14</sup> Barrère Unzueta, 'Versiones de la democracia, feminismos y política radical', 73.

<sup>15</sup> Fenichel Pitkin, H., *The concept of representation* (University of California Press 1967). For a brief description of Pitkin's schematic overview of the concept of political representation see Dovi, Suzanne, "Political Representation", *The Stanford Encyclopedia of Philosophy* (Fall 2018 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/fall2018/entries/political-representation/>>.

<sup>16</sup> Kanter, R.M, "Some Effects of Proportions on Group Life' (1977) 82 *American Journal of Sociology* 965.

<sup>17</sup> Clayton, A., & Zetterberg, P., 'Quota shocks: Electoral gender quotas and government spending priorities worldwide' (2018) 80(3) *The Journal of Politics* 916; Braga, Michela and Scervini, Francesco, 'The Performance of Politicians: The Effect of Gender Quotas' (2017) 46 *European Journal of Political Economy* 1.

*Substantive representation*, instead, focuses on actions' alignment with the interests of the represented group. Substantive representation occurs when women's voices as a subordinate group are heard in the political decision-making processes. It is debatable whether the achievement of gender balance in representation (descriptive representation) would bring about substantive outcomes. Research exists that traced this link and showed how female presence led to the adoption of transformative policies. It has thus been found that women tend to bring different perspectives to political decision-making, focusing more on social justice and welfare issues,<sup>18</sup> and which may lead to policy shifts that more accurately reflect the needs of all individuals rather than a narrow set of interests, for example regarding increased investment in public infrastructure and social services, the adoption of policies in the areas of equality in employment, work-life balance, and reproductive rights.<sup>19</sup> Women's political leadership can also lead to better economic growth and lower corruption levels.<sup>20</sup> But other authors point to the importance of different factors that are at play and their interrelation (e.g. building collaborations between formal politics and feminist groups; and between feminist groups and gender machineries).<sup>21</sup>

*Symbolic representation* refers to how agents (representatives) represent a constituency, conveying images, beliefs and values. Traditionally, research on *symbolic representation* has focused on the effect that men and women representatives have on the electorate, particularly how women's

---

<sup>18</sup> Holman, M. R., 'Sex and the city: Female leaders and spending on social welfare programs in US municipalities' (2014) 36 *Journal of Urban Affairs* 701.

<sup>19</sup> Amy Mazur, *Theorizing feminist policy* (OUP 2002).

<sup>20</sup> Chattopadhyay, R., & Duflo, E., 'Women as policy makers: Evidence from a randomized policy experiment in India' (2004) 72 *Econometrica* 1409; Mazur, *Theorizing feminist policy* (n 59). See further also under (iii).

<sup>21</sup> Gwiazda, A. 'The Substantive Representation of Women in Poland' (2019) 15 *Politics and Gender* 262; Weldon, Laurel S, 'Beyond Bodies: Institutional Sources of Representation for Women in Democratic Policymaking' (2002) 64 *The Journal of Politics* 1153.

increased presence in the political sphere influenced the beliefs of male and female constituencies, and their understanding of politics, democracy and gender roles. But this also applies to the private sphere.<sup>22</sup> While this line of research understood symbolic representation as dependent on descriptive representation, further approaches have understood it as a representation of existing power relations.<sup>23</sup> Therefore, symbolic representation “expresses who is included as a member of a political constituency and to what extent. It shapes roles and positions in processes of political representation, and the legitimacy of the political claims that they are allowed to make within a particular political system”.<sup>24</sup> The presence of women in visible leadership positions can be transformative, by challenging societal norms and inspiring other women and girls to pursue their ambitions, in line with the “role model” theory.<sup>25</sup> It can lead to increased political participation among women and alter societal perceptions about gender roles and capabilities.<sup>26</sup>

## **(ii) Representation as a matter of individual fundamental right, equality of opportunities and fairness**

The constitutional value of the principle of representation is not only underscored by its foundational relevance for democratic societies, but this is also contained in its recognition as a fundamental right.<sup>27</sup> The right to the equal participation of men and women in the public and political life is thus enshrined in Article 25 of the International Covenant on Civil and Political Rights (ICCPR) and in Article 7 of the UN Convention on the Elimination of All Forms of Discrimination (CEDAW), by which women have the right to be elected to public office, to fully participate in the public functions and service of their countries and the right to vote. Article 4 CEDAW on temporary special measures

---

<sup>22</sup> Celis, K., Substantive and Symbolic Representation of Women: A Case Study of the Belgian Burka Law and Company Quota Law, (2012), APSA 2012 Annual Meeting Paper. Available at SSRN: <https://ssrn.com/abstract=2107900>

<sup>23</sup> Emanuela Lombardo and Petra Meier, ‘The Significance of Symbolic Representation for Gender Issues in Politics’ (2019) 27 *NORA - Nordic Journal of Feminist and Gender Research* 231.

<sup>24</sup> *Ibid.* 237.

<sup>25</sup> Wolbrecht, C., & Campbell, D. E., ‘Leading by example: Female members of parliament as political role models’ (2007) 51 *American Journal of Political Science* 921.

<sup>26</sup> Perrin, C. (2023). You’re the One That She Wants (To Be)? Female Political Leaders and Women’s Entrepreneurial Activity. Available at SSRN: <https://ssrn.com/abstract=4467318>.

<sup>27</sup> Cf on the normative underpinnings, L. Senden, The Multiplicity of Regulatory Responses to Remedy the Gender Imbalance on Company Boards, *Utrecht Law Review*, 2014, vol. 10, issue 5, pp. 51-66.



offers a basis for the adoption of measures that accelerate the achievement of a balanced representation of women in both public and private settings.

The issue of women's representation and participation in public life has received considerable attention worldwide after the Fourth United Nations World Conference on Women's Rights held in Beijing in 1995, which generated momentum for the adoption of quotas to address women's underrepresentation in elected offices.<sup>28</sup> More recently, Sustainable Development Goal 5 set a specific target 5.5 to ensure women's full and effective participation and equal opportunities for leadership in political, public, and also economic life. Attainment of the target is measured in terms of the proportion of women in national parliaments and local governments, and their seats in managerial positions (which is underpinned by a conception of descriptive representation, as discussed here above).

Both gender equality and representative democracy are also founding values of the European Union (Article 2, TEU), while Article 23 of the EU Charter on Fundamental Rights (EUCFR) provides that "[e]quality between women and men must be ensured in all areas" with means that may include positive action ("measures providing for specific advantages in favour of the under-represented sex"). Additionally, EU institutions have designed already quite some time ago more concrete (albeit non-binding) tools, such as the 1996 Council Recommendation on the balanced participation of women and men in the decision-making process (96/694/EC),<sup>29</sup> with a view to encouraging the formulation of an integrated strategy that would promote gender balance at all levels of governmental bodies and committees.<sup>30</sup> The combined effect of these rules is that tackling women's

---

<sup>28</sup> Norris, Pippa, 'The State of Women's Participation and Empowerment: New Challenges to Gender Equality', background paper prepared for the sixty-fifth session of the UN Commission on the Status of Women, 22 October 2020, EGM/CSW/2021/BP1.

<sup>29</sup> Council Recommendation of 2 December 1996 on the balanced participation of women and men in the decision-making process (96/694/EC).

<sup>30</sup> Biljana Kotevska and Vera Pavlou, 'Promotion of gender balance in political decision-making', report for the European network of legal experts in gender equality and non-discrimination (EELN) (Publications Office of the European Union 2023) p. 40.

underrepresentation in decision-making institutions across the public sphere should be seen as both a commitment and a priority for EU Member States. Under EU law, positive action is also permissible as a means of achieving gender balance in the labour market and several EU Member States have made use of some form of gender quotas or mandatory targets.<sup>31</sup> It is not clear though whether and how the conditions of legitimacy of gender quotas in employment, set out in the relevant positive action case law of the CJEU,<sup>32</sup> may be relevant to elected public office. Under that case-law,<sup>33</sup> gender quotas are only legitimate as a tiebreaker between equally qualified candidates. Even if one concedes that the balance the Court strikes is necessary so that individual merit remains the decisive factor in selection processes, it is evident that “merit” has an entirely subjective meaning when it comes to the democratic choices of the electorate.

Last but not least, there are also the UN’s Guiding Principles for Business and Human Rights, known as the Ruggie Principles, which have stimulated very much the development of corporate social responsibility (CSR) and ethical behaviour in conducting business. As such, the private sector also carries duties to ensure compliance and realisation of fundamental rights, including gender equality. At EU level, the importance of SCR is increasingly underscored as well, and reference made to gender equality.<sup>34</sup>

### **(iii) Representation and the business case**

Beyond social and individual justice and democracy, other theories have contributed to developing a ‘business case’ for increasing women’s presence in decision-making positions, emphasising

---

<sup>31</sup> Raphaële Xenidis and Hélène Masse-Dessen, ‘Positive action in practice: some do’s and don’ts in the field of EU gender equality law’ (2018) 2 European equality law review 36. available at: [https://commission.europa.eu/system/files/2018-11/law\\_review\\_2018\\_2.pdf](https://commission.europa.eu/system/files/2018-11/law_review_2018_2.pdf). See also McCrudden, ‘Gender-based positive action in employment in Europe’.

<sup>32</sup> On the conditions of legitimacy of positive action according to CJEU case law see Panos Kapotas, ‘A tale of two cities: positive action as “full equality” in Luxembourg and Strasbourg’ in Dzehtsiarou K., Konstadinides T., Lock T. and O’Meara N. (eds.) *Human rights law in Europe: The influence, overlaps and contradictions of the EU and the ECHR* (Routledge 2014).

<sup>33</sup> Case C-409/95 Marschall, 11 November 1997, ECLI:EU:C:1997:533; Case C-158/97 Badeck, 28 March 2000, ECLI:EU:C:2000:163.

<sup>34</sup>[https://single-market-economy.ec.europa.eu/industry/sustainability/corporate-sustainability-and-responsibility/social-policy\\_en](https://single-market-economy.ec.europa.eu/industry/sustainability/corporate-sustainability-and-responsibility/social-policy_en)

arguments and research on the positive effects of women's presence in terms of productivity, innovation, and communication. For example, research found that the lack of gender diversity in leadership positions results in a reduced diversity of perspectives, which can limit the scope and effectiveness of problem-solving and innovation.<sup>35</sup> This not only affects the immediate environment, but it also adds to the perpetuation of harmful stereotypes and gender inequality, reinforcing a culture where women's capabilities are undervalued.<sup>36</sup>

From the point of view of the economy, the under-representation of women in leadership roles is a significant loss. Research shows that companies with gender-diverse leadership teams are more innovative, make better decisions, and have better financial performance.<sup>37</sup> Gender diversity brings a range of experiences and insights, fostering an environment conducive to creativity and innovation. Additionally, gender-diverse teams often demonstrate superior problem-solving abilities and are more inclined towards innovation.<sup>38</sup>

According to this line of research, addressing the under-representation of women in decision-making roles is not just a moral imperative but also a strategic one. It is essential for fostering inclusive, innovative, and effective organisations and societies. By valuing and integrating women's perspectives and leadership, we can create more equitable, prosperous, and resilient communities. As highlighted by various scholars and evidenced in numerous studies, the benefits of gender

---

<sup>35</sup> Bear, J. B., & Woolley, A. W., 'The role of gender in team collaboration and performance' (2011) 36 *Interdisciplinary science reviews* 146.

<sup>36</sup> Spender, D., 'The position of women in Information Technology-or who got there first and with what consequences?' (1997) 45 *Current Sociology* 135.

<sup>37</sup> E.g. Triana, M. D. C., Miller, T. L., & Trzebiatowski, T. M., 'The double-edged nature of board gender diversity: Diversity, firm performance, and the power of women directors as predictors of strategic change' (2014) 25 *Organization Science* 609.

<sup>38</sup> Bear and Woolley, 'The role of gender in team collaboration and performance (n 54). See also RE-WIRING. D4.1 Toolkit: Better Practices Addressing Women's Representation in the Workplace (unpublished).

diversity in leadership are clear and compelling, making it an indispensable goal for contemporary society,<sup>39</sup> coupled with the democratic and fundamental rights rationales presented above.

However, we also acknowledge the risks embedded in both the 'diversity' discourse (e.g. that women bring specific perspectives, interests and abilities to the decision-making process), and the 'business case'. The first argument risks reproducing stereotyped understandings of male and female characteristics as fixed identities. Fixing on women's supposed natural attitudes risks overshadowing the role of structural inequalities in producing their exclusion from decision-making. The 'business case' argument has dangerous depoliticising effects, as it embraces an individualised understanding of gender balance and legitimises economic goals, economic power and its effects over changing gendered power relations and their oppressive nature.<sup>40</sup>

In this regard it must also be noted that the Gender Balanced Boards Directive the EU has adopted in 2022,<sup>41</sup> has been predominantly grounded in this economic, internal market rationale.<sup>42</sup> While one can understand this from the perspective of the EU's limited legislative competences and the political resistance there has been to the adoption of this Directive, it is to be regretted for the reason mentioned hereabove.

In conclusion, and with a view to our analysis here below, it must be understood that recognition of the three identified underlying values and goals of representation in the public and the private sphere is a prerequisite for bringing about the fullest possible transformative change at the institutional, experiential and symbolical levels when it comes to women's representation and empowerment in decision-making and leadership. This recognition is needed on the part of political bodies, public authorities, public and private employers and all other relevant stakeholders. Without having women's representation, including from an intersectional perspective, the chances to foster societies built on democracy, fundamental rights and wide socio-economic values that take on board all citizen's interests in their laws and policies and to deconstruct existing white male-dominated and privileged political power and legal systems are much slimmer. But as will appear from the analysis in section 4 and in the country reports in D.2.2, the recognition of these three underlying values still

---

<sup>39</sup> Krivkovich, A., Kutcher, E., & Yee, L., 'Breaking down the gender challenge' (2016) 2 *McKinsey Quarterly* 8.

<sup>40</sup> Elomäki, A., 'Gender Quotas for Corporate Boards: Depoliticizing Gender and the Economy' (2018) 26 *NORA - Nordic Journal of Feminist and Gender Research* 53; Kantola, J., & Squires, J., 'From state feminism to market feminism' (2012) 33 *International Political Science Review* 382; Senden, L., 'The multiplicity of regulatory responses to remedy the gender imbalance on company boards' (2014) 10. *Utrecht Law Review* 51.

<sup>41</sup> See in more detail on this Directive section 4.3.4.

<sup>42</sup> See the preamble of the Directive and the European Commission's Explanatory Memorandum of its proposal.

varies considerably between countries as reflected in the laws, policies and other measures taken in them, if at all.

## 2.2 Qualitative assessment of women's under-representation: root causes and structural barriers

Having focused hereabove on why women's representation is of key societal, political and economic interest, this section focuses on the root causes of women's under-representation and the structural barriers they encounter in accessing key decision-making and leadership positions.

Their under-representation is a complex issue, deeply rooted in gendered power hierarchies and patriarchal culture, as will appear from the GSNI data presented first and next the theoretical accounts explaining how these gendered power hierarchies translate into structural barriers. Only after having good insight into the root causes, can we proceed later to the identification of actions that are capable in addressing these root causes and eliminating structural barriers to leadership and decision-making for women.

### (i) Harmful gender stereotyping and biases

In terms of understanding the problem, one must first acknowledge the importance of *cultural settings* shaping the norms and expectations regarding gender roles. Publicly, these biases can manifest in the workplace, politics, and education, influencing who gets opportunities and who is considered suitable for leadership. Privately, they seep into household dynamics, affecting how domestic chores and childcare responsibilities are divided. The differences in cultural settings can make the same bias seem more or less urgent to address.<sup>43</sup> For instance, in some cultures, certain

---

<sup>43</sup> Eagly, Alice H., and Wendy Wood. "Social role theory." *Handbook of theories of social psychology 2* (2012): 458-476.

biases may be so deeply ingrained that they are scarcely recognised as issues, while in others, even minor biases can provoke public outcry and demands for change.<sup>44</sup>

The Gender Social Norms Index (GSNI), a critical component of the UN 2023 Human Development Report, was established to quantify the often-intangible societal attitudes that underpin and perpetuate gender inequality. Unlike metrics that focus solely on tangible outcomes such as wage gaps or educational attainment, the GSNI provides an evaluative lens on the beliefs, biases, and norms that are entrenched in societies worldwide. These are the root causes that not only shape gender disparities but also present barriers to achieving equality for women and girls across various dimensions of life.

Importantly so, the data it provides can be viewed as manifestations of gendered power hierarchies. They represent not only individual beliefs, but also societal structures that define and reinforce gender roles. The biases toward political and business leadership roles suggest a cultural valuation of certain qualities as inherently 'male', often to the exclusion or detriment of women's participation and advancement. The high prevalence rates of violence against women also underscore the entrenched gendered power imbalances prevalent in many societies. Such violence, encompassing a range of acts from physical to psychological abuse, starkly illustrates the disregard for women's bodily autonomy and integrity. This phenomenon is not merely a collection of isolated incidents, but rather a manifestation of deep-seated societal norms and structures that perpetuate women's subordination and vulnerability and which structurally hinders their representation in decision-making positions in public, political life as well as in the market sphere.<sup>45</sup>

The GSNI methodology involves a multi-dimensional approach, drawing upon data sourced from the World Values Survey (WVS). The WVS collects extensive microdata through questionnaires that probe social, political, economic, and cultural values and beliefs, providing a rich dataset for analysis. The GSNI harnesses this data to construct a comprehensive picture of gender biases across four dimensions: political, educational, economic, and physical integrity. Each dimension is measured by specific indicators. For instance, in the political realm, the GSNI evaluates societal beliefs about women's rights to participate in politics and their capacity to lead. In education, it assesses attitudes towards the importance of higher education for women compared to men. In the economy, it examines beliefs about men's and women's rights to employment and their abilities as business executives. Lastly, the physical integrity dimension looks at societal attitudes that can proxy for intimate partner violence and reproductive rights.

---

<sup>44</sup> Hofstede, G. (1984). *Culture's consequences: International differences in work-related values* (Vol. 5). sage.

<sup>45</sup> See also the Violence Against Women case studies contained in the D.2.2. country reports.

Graph 3 vividly illustrates the proportion of individuals harbouring at least one gender stereotype or biased viewpoint in five distinct nations, according to the most recent GSNI data. In the United Kingdom, the stereotype is economic, with 10% of the population believing that men are better suited than women for high-level business roles. This figure, while not overwhelming, signals an underlying belief system that could impede women's progress in the corporate sector. In Poland, the bias is shockingly pronounced in the personal domain, with over half of the population (55%) justifying domestic violence against women. This indicates a deeply ingrained societal attitude that goes beyond simple prejudice to the normalisation of violence against women. South Africa's staggering statistic of 90% of its population justifying domestic violence against women reflects an acute societal crisis where the physical abuse of women is widely deemed justifiable. This is an urgent call for sweeping reforms and intensified advocacy to reshape public opinion and ensure women's safety and dignity. The Netherlands and Spain exhibit biases in the political dimension, with 20% and 31% of their respective populations asserting that men make better political leaders than women. These biases, while concerning, are lower in comparison to Poland and South Africa but nonetheless significant.

### Share of people with at least 1 gender bias

**UNITED KINGDOM**

10% of British people think men make better business executives than women do.

**POLAND**

55% of Polish people think that it is justifiable for a man to beat his wife.

**SOUTH AFRICA**

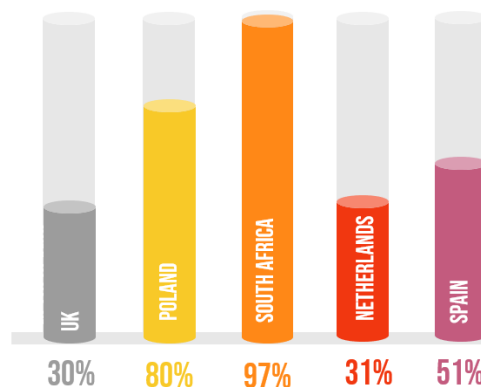
90% of South Africans people think that it is justifiable for a man to beat his wife.

**NETHERLANDS**

20% of Dutch people think men make better political leaders than women do.

**SPAIN**

31% of Spanish people Men make better political leaders than women do.



Graph 3 - Source: Human Development Report Office calculations based on data from the World Values Survey

Note: GSNI is not available for South Africa.

## (ii) Structural and gendered barriers in accessing board positions in the private sphere

In addressing the gender imbalance, it is common to encounter arguments suggesting that women themselves may not aspire to such positions, or that there are insufficient qualified women available, or even that they are challenging to identify. However, the reality is considerably more complex. Various theories offer a multitude of explanations for the prevailing power imbalance and the limited representation of women in leadership. These theories reveal that this disparity is not solely a matter of personal choice but stems from a complex interplay of factors existing at multiple levels, including the individual employee, the firm/industry, and the societal levels.<sup>46</sup>

One such explanation can be found in the interaction of societal norms as set out in **human capital theory**. This theory, as outlined by Becker<sup>47</sup> and Borghans et al.<sup>48</sup>, posits that disparities in education, career opportunities, and on-the-job training contribute to gender gaps in workforce participation and leadership. While progress in educational attainment has been made, women often face career interruptions due to caregiving responsibilities, impacting their accumulation of organisation-specific human capital.<sup>49</sup>

---

<sup>46</sup> See Senden, L. & Visser, M. (2014). Promoting Women in Management. CEC European Managers. <http://cec-managers.org/wp-content/uploads/2018/04/Report - Promoting Women in Management.pdf>; L. Senden and M. Visser, 'Balancing a Tightrope: The EU Directive on Improving the Gender Balance among Non-Executive Directors of Boards of Listed Companies' (2013) 1 *European Gender Equality Law Review* 17, 21.

<sup>47</sup> Becker, G. S., 'A theory of social interactions' (1974) 82 *Journal of political economy* 1063.

<sup>48</sup> Borghans, L., Ter Weel, B., & Weinberg, B. A. (2006). 'People people: Social capital and the labor-market outcomes of underrepresented groups'. Working paper NBER (National Bureau of Economic Research). [https://www.nber.org/system/files/working\\_papers/w11985/w11985.pdf](https://www.nber.org/system/files/working_papers/w11985/w11985.pdf)

<sup>49</sup> Grimshaw, D., & Rubery, J. (2015). The motherhood pay gap: A review of the issues, theory and international evidence. Conditions of Work and Employment Series.



Societal norms further compound these disparities, as the GSNI Data underscored already. **Discrimination theory**<sup>50</sup> suggests that women face higher burdens of proof in leadership roles and are often judged against a male standard of leadership, where traits traditionally associated with masculinity are valorised.<sup>51</sup> Women navigating these standards encounter the **leadership labyrinth**,<sup>52</sup> a complex journey marked by gender stereotypes, organisational culture, and limited networking opportunities.

**Old boys' networks**<sup>53</sup> present additional barriers, often excluding women from critical professional circles. Women who succeed in penetrating these spaces may face backlash effects for adopting masculine traits or for deviating from traditional gender roles.<sup>54</sup> This dynamic is evident in the **glass cliff phenomenon**, where women are more likely to be appointed to precarious leadership positions, especially during crises.<sup>55</sup>

The **queen bee syndrome**<sup>56</sup> further complicates the landscape. Successful women, striving to maintain their hard-earned positions, may distance themselves from other women and align with

---

<sup>50</sup> Cerutti, D. T., 'Discrimination theory of rule-governed behavior' (1989) 51 *Journal of the experimental analysis of behavior* 259.

<sup>51</sup> Collinson, D., Aavik, K., Hearn, J., & Thym, A., 'Men, masculinities, and leadership: emerging issues' in Sherylle Tan and Lisa DeFrank-Cole (eds), *A Research Agenda for Gender and Leadership* (Edward Elgar Publishing 2023) 87.

<sup>52</sup> Eagly, A. H., & Carli, L. L., 'Women and the labyrinth of leadership' in William E. Rosenbach (ed), *Contemporary issues in leadership* (Routledge 2018) 147.

<sup>53</sup> McDonald, S., 'What's in the "old boys" network? Accessing social capital in gendered and racialized networks' (2011) 33 *Social networks* 317; Bjarnegård, E., *Gender, Informal Institutions and Political Recruitment: Explaining Male Dominance in Parliamentary Representation* (Palgrave Macmillan 2013) 151.

<sup>54</sup> Burke, R. J., & Vinnicombe, S., 'Women on corporate boards of directors: international issues and opportunities' (2008) *Women on corporate boards of directors: International research and practice* 1.

<sup>55</sup> Ryan, M. K., Haslam, S. A., Hersby, M. D., & Bongiorno, R., 'Think crisis–think female: The glass cliff and contextual variation in the think manager–think male stereotype' (2011) 96 *Journal of Applied Psychology* 470.

<sup>56</sup> Staines, G., Tavris, C., & Jayaratne, T. E., 'The queen bee syndrome' (1974) 7 *Psychology Today* 55.

masculine leadership traits, reinforcing the cycle of gender discrimination.<sup>57</sup> Addressing these multifaceted challenges necessitates a multifaceted approach that acknowledges the intersection of human capital disparities, societal norms, and structural barriers to pave the way for equitable representation in leadership roles.

The phenomenon of the "**glass wall**"<sup>58</sup> underscores the persistence of gender-based occupational segregation even at the highest levels of leadership. While it is encouraging to witness women breaking through the "glass ceiling" to secure leadership roles, it is equally crucial to acknowledge that these achievements may not always result in a dismantling of gender stereotypes within certain sectors. Johnston aptly points out that women who ascend to leadership positions in public policy and public administration may find themselves leading organisations that align with traditional gender roles, like the care sector. This horizontal occupational gender segregation can perpetuate gender stereotypes and limit opportunities for women to diversify their leadership experiences across various fields. The Queen Bee syndrome previously discussed is also likely to contribute to this horizontal gender segregation. Thus, addressing not only the "glass ceiling" but also the "glass wall" is essential for achieving true gender equality in leadership roles.

The underrepresentation of women in leadership positions intertwines with **cultural, societal, and structural factors**. The Hofstede cultural index highlights societal aspects like power distance<sup>59</sup> and masculinity/femininity that influence women's participation in the workforce.<sup>60</sup> Different welfare systems across the EU, ranging from liberal to social democratic, also dictate varying views on women's roles and state intervention in addressing gender imbalances. For instance, in liberal systems like the UK, gender balance in leadership is often seen as a corporate responsibility, while in social-democratic systems like the Nordic countries, government intervention is more prevalent. Furthermore, the diverse welfare models in Central Eastern European countries, influenced by their transition from communist to capitalist systems, add another layer of complexity to understanding women's representation in decision-making roles. This intricate interplay of cultural, societal, and

---

<sup>57</sup> Derks, B., Van Laar, C., & Ellemers, N., 'The queen bee phenomenon: Why women leaders distance themselves from junior women' (2016) 27 *The Leadership Quarterly* 456.

<sup>58</sup> Johnston, K., 'Women in public policy and public administration?' (2019) 39 *Public Money & Management* 155.

<sup>59</sup> Power distance refers to the extent to which less powerful members of organisations and institutions (like the family) accept and expect that power is distributed unequally. In cultures with high power distance, there is a greater acceptance of unequal power distribution, hierarchical structures, and top-down decision-making. Authority and respect for elders and superiors are emphasised, and subordinates are less likely to question or challenge authority. Examples of countries with high power distance include Malaysia, Guatemala, and Panama.

<sup>60</sup> Hofstede, G. (2009, June). *Dimensionalizing Cultures: The Hofstede Model in Context*. Online Readings in Psychology and Culture.

welfare system factors creates a multifaceted challenge in achieving balanced gender representation in leadership positions.<sup>61</sup>

### (iii) Structural and gendered barriers in accessing public leadership positions

While many of the barriers identified above are applicable to the public sector too (e.g. stereotyped expectations, glass ceiling, etc.), this section focuses on the barriers that women face in political participation and in accessing public leadership specifically. Looking at political participation broadly, research has shown that there are **four main categorical barriers to women's political participation: structural, cultural, agency, and institutional**.<sup>62</sup> Structural barriers concern the lack of resources that facilitate political participation such as time poverty (reconciling work and family life, i.e. the gender care gap), human capital and income. Thus, women may face time poverty due to the gender care gap, along with limited access to human capital and financial resources, hindering their political participation. Cultural barriers include motivational attitudes that attract people into public life such as their sense of political efficacy, confidence, and citizenship duty. Societal norms and motivational attitudes can negatively impact women's confidence and sense of political efficacy, reducing their involvement in public life. In the literature cultural barriers have also been colloquially summarised as the 'five Cs': care, cash, confidence, culture, and candidate selection.<sup>63</sup> Agency barriers refer to the role of mobilising organisations such as churches, unions, and civil society organisations as spaces for activism in public life, and the role of the media and informal social networks. The effectiveness of mobilizing organizations such as churches, unions, and civil society

---

<sup>61</sup> Cf Senden (2014), op.cit.

<sup>62</sup> Norris, P., Lovenduski, J. and Campbell, R., 'Gender and Political Participation' Research report (London: The Electoral Commission 2004). [https://image.guardian.co.uk/sys-files/Politics/documents/2004/04/29/Gender\\_report.pdf](https://image.guardian.co.uk/sys-files/Politics/documents/2004/04/29/Gender_report.pdf)

<sup>63</sup> Biljana Kotevska and Vera Pavlou, The promotion of gender balance in political decision-making, report for the European Equality Law Network (2022), Luxembourg, Publications Office of the EU, p. 69.

groups is crucial in encouraging and supporting women's political activism. Institutional barriers related to the structure, setting, the practical rules of 'the game', and the context of electoral choices set by the parties, candidates, and the electoral procedures.<sup>64</sup> The structure and rules of political institutions and electoral systems often do not accommodate or support the participation of women, creating significant hurdles. Here below, we provide some further explanations of these barriers.

Political parties and voters tend to hold **stereotyped expectations** and to embrace biased assessments of women's abilities, qualifications and experiences during the candidates' selection processes and elections, which consists of demand-side factors in explaining gendered practices.<sup>65</sup> Women executives are exposed to greater visibility and higher performance standards. Studies show that women prime ministers appoint fewer women to cabinet than men, because they perceive the political pressure to respect the male-dominant status quo and risk being stigmatised as too biased or radical if they act otherwise.<sup>66</sup> These biases are similar to those seen in company boards, where women executives face greater visibility and higher performance standards. For instance, studies indicate that women prime ministers appoint fewer women to cabinet positions due to political pressure to uphold the male-dominant status quo and avoid being stigmatized as biased or radical<sup>67</sup>.

As is reflected in the agreed conclusions of the UN Commission on the Status of Women, parity is far from achieved.<sup>68</sup> Of importance to addressing obstacles to women's political representation is the need to overcome the **lack of political will** of political parties and their leaderships to bring about change. Without determined measures by political parties to encourage women into public life (supply) and the allocation of women candidates to electoral seats, legislatures will continue to be dominated by men not because they are 'better than women, but because selection processes make it difficult for women to secure nominations'.<sup>69</sup>

---

<sup>64</sup> Amanda Gouws, 'Obstacles for Women in Leadership Positions: the Case of South Africa' (2008) 34 Signs 21.

<sup>65</sup> Norris, P., & Lovenduski, J., *Political recruitment: Gender, race and class in the British Parliament* (Cambridge University Press 1995).

<sup>66</sup> Annesley, C., Beckwith, K., & Franceschet, S., *Cabinets, ministers, and gender* (OUP 2019).

<sup>67</sup> Oakley, J. G. (2000). Gender-based barriers to senior management positions: Understanding the scarcity of female CEOs. *Journal of Business Ethics*, 27(4), 321-334.

<sup>68</sup> UN Commission on the Status of Women, 'Women's full and effective participation and decision-making in public life' (n 13) para 12. See further Section 3 of this report.

<sup>69</sup> Childs, S., Lovenduski, J. and Campbell, R., 'Women at the Top 2005: Changing Numbers, Changing Politics?' (London: Hansard Society 2005) [https://iknowpolitics.org/sites/default/files/women\\_at\\_the\\_top\\_final\\_report5b15d.pdf](https://iknowpolitics.org/sites/default/files/women_at_the_top_final_report5b15d.pdf)

The lack of political will by political parties to nominate and select women for electoral seats is based on a **discriminatory myth** that the electorate may not view women to be suitable for public office and therefore a female candidate is unlikely to win the electoral seat.<sup>70</sup> However, a longitudinal study of elections in the UK has shown that the electorate does not appear to express any preferences towards candidates based on sex, but rather the ability to address the concerns and issues of the electorate.<sup>71</sup> Statutory gender quotas are effective tools in increasing women's representation, but they are often unambitious in their design and lack clear and effective compliance mechanisms. The lack of political will to set and meet parity targets of 50 percent, instead of minimum targets, is identified as a major obstacle to a quick achievement of parity.<sup>72</sup>

**Violence against women in public life** increases as more women gain access to power.<sup>73</sup> Despite evidence on the increased levels of violence, in most countries, parliaments do not have harassment policies, codes of conduct and reporting mechanisms that effectively address violence against women politicians and women active in feminist movements, civil society and human rights defenders.<sup>74</sup> When in place, codes of conduct and complaint mechanisms may be ineffective when

---

<sup>70</sup> Evans, E., 'Supply or Demand? Women Candidates and the Liberal Democrats' (2008) 10 *British Journal of Politics and International Relations* 590.

<sup>71</sup> Borisjuk, G., Rallings, C., and Thrasher, M., 'Women in English Local Government, 1973-2003: Getting Selected, Getting Elected' (2007) 13 *Contemporary Politics* 181.

<sup>72</sup> UN Commission on the Status of Women, 'Women's full and effective participation and decision-making in public life (n 13). On quotas, see further Section 4 of this report.

<sup>73</sup> Ballington J., 'Turning the Tide on Violence against Women in Politics: How Are We Measuring Up?' (2018) 14 *Politics and Gender* 695.

<sup>74</sup> Dubravka Šimonović - UN Special Rapporteur on violence against women, its causes and consequences "Report on violence against women in politics" presented to the UN General Assembly (A/73/301). Available at <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/AnnualReports.aspx> See also the report of Kotevska and Pavlou (2021), op.cit.

they fail to cover all persons working in the institution, provide imprecise definitions of misconducts, lack sanctions and reparations, lack independence and expertise, or fail to support the culture of psychological safety that encourages the reporting of incidents. Furthermore, formal and informal rules such as adversarial styles of debate, unquestioned defence of free speech, and vertical segregation of offices may enable such violence.<sup>75</sup>

Recently, violence against women has been interpreted as encompassing not only harassment, assault, and other forms of violence (physical, psychological, economic, etc.), but also resistance and backlash.<sup>76</sup> Resistance includes name calling and devaluing women's qualifications, exclusion from important meetings, being interrupted or denied the floor. Threats and hate messages may also be conveyed online and women who challenge the status-quo are more exposed than others to such attacks, with women of colour and feminist advocates being among the most vulnerable. When these acts of resistance increase in frequency or intensity they may lead to backlash.<sup>77</sup> Backlash has also been understood as a "momentary retaliation that manifests in a short-lived act or coalesces into a longer-term countermovement".<sup>78</sup>

Full and effective participation of women in decision-making rests on "affordable and quality care services, as well as the reduction, recognition and redistribution of unpaid care and domestic work."<sup>79</sup> The **unequal distribution of care and domestic work**, with women and girls undertaking a disproportionate share of unpaid care and domestic work, "limits women's ability to participate in decision-making processes and occupy leadership positions".<sup>80</sup> On a general level, the gender care gap prevents women and girls from completing or progressing in education and training and affects their entry into, and permanence in, the labour market. This emphasises the need to recognise and address the gender care gap and the unequal distribution of domestic work, and prioritise measures such as "sustainable infrastructure, social protection policies and accessible, affordable and quality

---

<sup>75</sup> Verge, T., 'Too few, too little: Parliaments' response to sexism and sexual harassment' (2022) 75 *Parliamentary Affairs* 94.

<sup>76</sup> Krook, M. L., 'Semiotic Violence against Women: Theorizing Harms against Female Politicians' (2022) 47 *Signs: Journal of Women in Culture and Society* 371.

<sup>77</sup> Jennifer M. Piscopo and Denise M. Walsh, 'Backlash and the future of feminism. Introduction to the symposium' (2020) 45 *Signs: Journal of Women in Culture and Society* 265, 268.

<sup>78</sup> *Ibid* 266.

<sup>79</sup> UN Commission on the Status of Women, 'Women's full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls'. Agreed conclusions of the Sixty-fifth session, 30 March 2021, E/CN.6/2021/L.3, para 40.

<sup>80</sup> *Ibid* para 46.

social services, including care services (for dependent relatives, e.g. persons with disabilities or the elderly), childcare and maternity, paternity or parental leave”.<sup>81</sup>

Lack of universal social protection, and accessible, affordable and quality care services, as well as **work-life balance measures**, and family friendly environments and working conditions constitute persisting barriers to women’s full participation in decision-making.<sup>82</sup>

Within parties and parliaments, **gendered culture, rules and practices** may deter women from entering politics and prevent them from pursuing or attaining leadership positions. In the case of political parties, for example, it has been noted that, while political ideology matters for feminist politics, it is the gendered culture of political parties that ensures both left and right parties are problematic for feminist politics.<sup>83</sup> A gendered culture is expressed through informal norms and practices that structure the daily operations of political parties.<sup>84</sup> Namely, gender norms about ‘good’ candidates, the vertical and horizontal segregation of offices, gendered rituals in party practices and meetings, and the ‘male homosocial capital’, which provides trust and likeability among men, as well as access to in-group networking and connections to party selectors.<sup>85</sup>

---

<sup>81</sup> Ibid. para 40, 46.

<sup>82</sup> Ibid. para 32. See also the report of Kotevska and Pavlou (2022), p. 124-125.

<sup>83</sup> Kantola, J., & Lombardo, E., ‘Populism and feminist politics: The cases of Finland and Spain’ (2019) 58 *European Journal of Political Research* 1108.

<sup>84</sup> Bjarnegård, E., & Kenny, M., ‘Revealing the “secret garden”: The informal dimensions of political recruitment’ (2015) 11 *Politics & Gender* 748.

<sup>85</sup> Verge, T., ‘Political party gender action plans: Pushing gender change forward beyond quotas’ (2020) 26 *Party Politics* 238, 239.

In parliament, the prevailing work culture, together with the infrastructure and policy framework in which parliaments operate pose barriers to women's participation. The Inter-Parliamentary Union<sup>86</sup> stressed the importance of building gender-sensitive parliaments, changing both the practices that deter legislators with care duties from participating (e.g. parliamentary debates lasting into the evening and the early hours), and the infrastructure that does not accommodate breastfeeding women or parents with young children. EIGE has developed a toolkit for promoting gender-sensitive parliaments.<sup>87</sup>

Last but not least, **lack of funding and resources** to invest in political careers is one of the primary barriers to women's participation in politics. Candidates need financial resources to run campaigns, pay for party contributions and "build their name".<sup>88</sup> Together with lack of time due to the unequal distribution of care duties, and smaller political networks, barriers in accessing funding and capital constitute supply-side factors to explain women's underrepresentation.<sup>89</sup>

Gendered power hierarchies that prevent women from enjoying their right to participate in public, economic and political life can only be effectively tackled by addressing the root causes of their under-representation in decision-making positions in both the public and private sectors.

## 2.3 Looking at under-representation in the crisis context and through an intersectional perspective

The concept of the "glass cliff" suggests that women are more likely to be appointed to leadership positions during organisational crises, often facing precarious situations. This phenomenon, documented in studies analysing FTSE 100 companies and legal cases, indicates a bias towards appointing women to lead high-risk cases, potentially to shield male leaders from reputational

---

<sup>86</sup> Inter-Parliamentary Union (IPU), 'Supporting Gender-Sensitive Parliaments: A Key Strategy in Advancing Women's Political Participation and the Eradication of Violence Against Women in Politics'. Observer paper prepared for the Expert Group Meeting, Sixty-fifth session of the UN Commission on the Status of Women, 5-8 October 2020. EGM/SPS/OP.X.

<sup>87</sup> [https://eige.europa.eu/gender-mainstreaming/toolkits/gender-sensitive-parliaments?language\\_content\\_entity=en](https://eige.europa.eu/gender-mainstreaming/toolkits/gender-sensitive-parliaments?language_content_entity=en) <last accessed June 27, 2024>

<sup>88</sup> Elin Falguera Samuel Jones Magnus Ohman (eds), *Funding of Political Parties and Election Campaigns: A handbook on political finance* (IDEA International Institute for Democracy and Electoral Assistance 2014).

<sup>89</sup> International IDEA (2020). 'Role of political parties on women's participation and representation'. Observer paper prepared by Rumbidzai Kandawasvika-Nhundu for the Expert group Meeting, Sixty-fifth session of the UN Commission on the Status of Women, 5-8 October 2020.



damage.<sup>90</sup> Further research supports this, showing that minorities, including women, are more likely to be promoted as CEOs in struggling firms, leading to a "saviour effect" where their failure results in their replacement by white men.<sup>91</sup>

The preference for female leaders in crises aligns with the **"think crisis–think female"** concept, reflecting the perception that women possess leadership qualities valuable during crises, such as effective communication and motivational skills.<sup>92</sup> However, crises also highlight the gendered nature of executive leadership, with stereotypes and biases influencing the appointment and evaluation of women leaders.<sup>93</sup> Despite the recognition of valuable female leadership traits in crises, the overarching societal and organisational norms still largely adhere to a masculine standard of leadership, often overshadowing the contributions and challenges faced by women in these roles.

The **intersectional nature of underrepresentation** further exacerbates these challenges, as women facing discrimination based on race, ethnicity, or religion experience even more significant obstacles than those listed in section 2.2, including gendered disinformation campaigns aimed at undermining their political and civic participation. Women of colour, indigenous women, and women from religious minorities, for instance, often confront dual or multiple forms of bias that obstruct their pathways to leadership and decision-making roles.

---

<sup>90</sup> Ashby, J. S., Ryan, M. K., & Haslam, S. A., 'Legal work and the glass cliff: Evidence that women are preferentially selected to lead problematic cases' (2006) 13 Wm. & Mary J. Women & L. 775.

<sup>91</sup> Cook, A., & Glass, C., 'Glass cliffs and organizational saviors: Barriers to minority leadership in work organizations?' (2013) 60 Social Problems 168.

<sup>92</sup> Jhamb, S., *Think entrepreneur–think male: Unfolding the gendered characterization of requisite managerial, leadership, and entrepreneurial traits* (Southern Illinois University at Carbondale 2018).

<sup>93</sup> Harman, S., 'Threat not solution: Gender, global health security and COVID-19' (2021) 97 International Affairs 601.

It is also essential to recognize that the intersectional dimensions are often overlooked, such as race, ethnicity, sexual orientation, and disability status, which can significantly impact experiences of discrimination and access to opportunities. Existing datasets primarily focus on high-income countries, leaving a gap in understanding these dynamics in lower-income or developing nations. Future research should aim to include more diverse and representative samples to provide a comprehensive picture of the challenges faced by women across different backgrounds and regions.

### 3. The Gap: quantitative assessment of under-representation in public decision-making institutions and on company boards

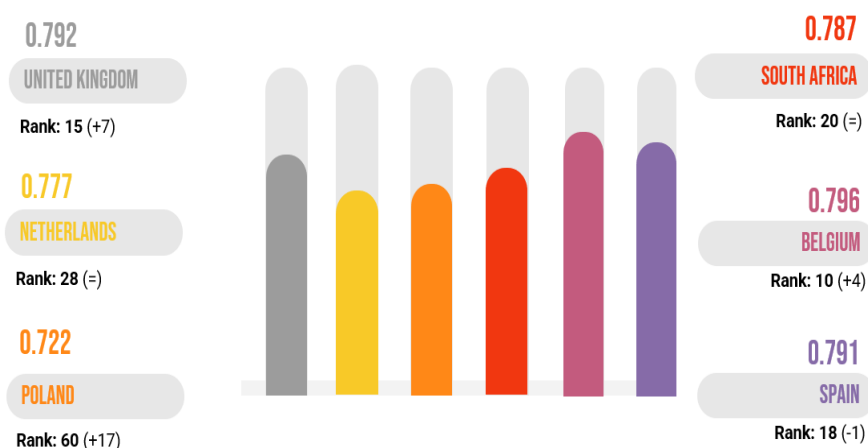
In the quest to understand and address the multifaceted issue of gender inequality, the Global Gender Gap Index still serves as a critical barometer, providing quantifiable data on the disparities between men and women across various countries (**Graph 1**). The methodology of the Global Gender Gap Index 2023 is rooted in evaluating economic participation and opportunity, educational attainment, health and survival, and political empowerment. The 2023 iteration of this index presents an intriguing tapestry of progress and stagnation, as evidenced by the recently released scores and rankings that measure how nations are advancing towards gender parity. The Global Gender Gap Index serves as a critical barometer, providing quantifiable data on the disparities between men and women across various countries. We use this index as the main yardstick because it offers a holistic and cross-country comparable framework, essential for identifying both progress and areas of stagnation in gender parity. However, it is not without recognizing that this dataset comprises several limitations including the lack of intersectional data, the persistence of a binary gender approach, and the scarcity of crisis leadership data.

Regarding the countries covered in the RE-WIRING project, one can see the United Kingdom to be at the forefront, by showing a commendable upward trajectory, improving seven ranks to claim the 15th position with a score of 0.792. This suggests a significant stride in bridging the gender gap, although the journey towards the coveted 1.0 mark of equality continues. In contrast, the Netherlands exhibits a plateau in progress, steadfastly holding its ground at rank 28 with a score of 0.777. This steadiness could reflect a situation where initial rapid advancements have given way to more challenging increments of change. Poland emerges as a noteworthy case of substantial enhancement, ascending 17 ranks to position 60, underscored by a score of 0.722. This leap may

be indicative of policy reforms, social shifts, or economic improvements contributing to gender equality.

Other nations present a diverse picture of gender parity evolution. South Africa, maintaining its rank at 20 with a score of 0.787, suggests a consistent approach to gender inclusivity, whereas Belgium's improvement by four ranks to the 10th position with a score of 0.796 highlights effective gender policies and societal change. Spain's slight decline to rank 18, with a score of 0.791, could hint at emerging challenges or a slowing momentum in gender-focused initiatives.

## The Global Gender Gap Index 2023 scores



Graph 2 - Source: World Economic Forum

The recent study by the Pew Research Center<sup>94</sup> provides a sobering insight into the representation of women in leadership positions worldwide. According to their analysis, only 13 out of the 193 United Nations member states are led by women. This stark number highlights a wider trend of underrepresentation, despite the fact that since 1990 there has been a steady increase in the number of countries that have experienced female leadership, totalling 59.

These figures underscore the slow pace of change, with the number of women simultaneously in power peaking at no more than 18. The tenure of women leaders has also varied widely. While some, like Angela Merkel of Germany and Sheikh Hasina of Bangladesh, have enjoyed extended periods in office, others, such as Liz Truss of the United Kingdom and Anneli Jäätteenmäki of

<sup>94</sup> [Women and Leadership | Pew Research Center](#)

Finland, have served notably brief terms. Bangladesh stands out for having the most cumulative years with a woman in the top position since 1945, with other countries like Sri Lanka, Norway, New Zealand, Germany, India, and the Philippines also contributing to this collective history. The research took care to rectify previous inaccuracies by acknowledging overlooked figures, including Sirimavo Bandaranaike, the world's first female prime minister, serving Sri Lanka. It also brought attention to leaders like Yulia Tymoshenko of Ukraine and Magdalena Andersson of Sweden, ensuring a more accurate historical record. Nevertheless, the dearth of women in political leadership roles underscores the extent to which institutions exclude women in public life and thereby their voice as well the substantive representation of women in society

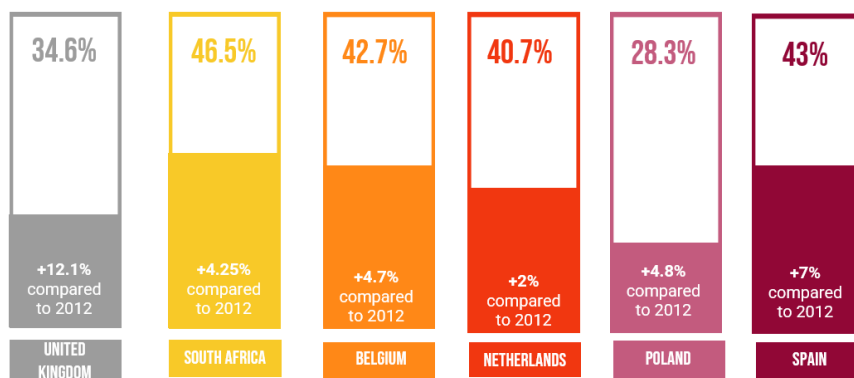
The study's findings echo the data on parliamentary representation. The United Kingdom, for instance, has seen a significant 12.1% increase in the proportion of women in parliament since 2012, bringing the total to 34.6%. This suggests a meaningful shift towards gender balance in political representation, potentially reflecting societal changes and targeted reforms. South Africa's higher proportion of 46.5% of women holding parliamentary seats, with a rise of 4.25% from 2012, underscores a commitment to gender equality in politics (unfortunately not reflected in societal attitudes as mentioned before) that may be driven by enforced affirmative action policies.

Belgium and the Netherlands show more modest increases of 4.7% and 2% respectively, but these figures still represent progress toward a more balanced representation. Poland's increase to 28.3% represents a positive trend, though it starts from a lower baseline than the others. The incremental growth points to evolving attitudes and policies in a political landscape that often captures international attention. Spain has made noteworthy progress, with a 7% increase in female parliamentary representation since 2012, reaching 43%. This reflects a strong momentum towards gender equality in the political arena.

Collectively, these national statistics are not mere numbers; they are a testament to the gradual shift in political structures towards gender inclusivity. However, as the Pew Research Center concludes, the global picture of women in the highest echelons of political leadership remains only partially positive, and the path to equality is still long and fraught with challenges. The incremental progress

seen in parliamentary seats and head-of-state positions is a promising sign, yet it also serves as a reminder of the work that remains to be done to achieve true gender parity in political power.

## Proportion of seats held by women in national parliaments (2022)



Graph 1 - Source: The World Bank

As to the latest figures, in 2023, the number of women in national parliaments varied between 28% (Poland) and 46% (South Africa) amongst the consortium countries.<sup>95</sup> In the latest elections, Spain reached 44,3% in the lower chamber, and 4.3 among senators (3.4 points more than 2019).<sup>96</sup> Women made up between 33% (Poland) and 55% (Belgium) of government ministers. At the same time, the number of female judges in Supreme Courts varied between 16.6% (UK) and 43% (South

<sup>95</sup> EIGE, Gender Statistics Database, WMID, 2nd quarter 2023. EIGE's calculation. Belgium: 43%, Spain: 42%, the Netherlands 36% and Poland 28%, [Representation and Participation of Women in Parliament | PMG](#), South Africa: 46%, [Find MPs - MPs and Lords - UK Parliament](#), UK: 32%, average of: 35% (House of Commons 35% (225 out of 650), House of Lords 29% (228 out of 784) on 24 November 2023.

<sup>96</sup> Spanish National Statistics Institute:

[https://www.ine.es/ss/Satellite?L=es\\_ES&c=INESeccion\\_C&cid=1259925595398&p=1254735110672&pagename=ProductosYServicios%2FPYSLayout&param1=PYSDetalle&param3=1259924822888](https://www.ine.es/ss/Satellite?L=es_ES&c=INESeccion_C&cid=1259925595398&p=1254735110672&pagename=ProductosYServicios%2FPYSLayout&param1=PYSDetalle&param3=1259924822888)

Africa).<sup>97</sup> As to gender balance in governments, currently **Belgium, the Netherlands, South Africa and Spain** have around 50% of female ministers. This is a relatively new development. In Spain, female ministers outnumber male ministers since 2018.<sup>98</sup> In South Africa, gender balance in the leadership of government departments was first achieved in 2019, in Belgium in 2020 and in the Netherlands in 2021.<sup>99</sup> In Poland and the UK, the numbers are slightly lower, with respectively 20% and 30% of female ministers.<sup>100</sup> None of the consortium countries currently has a female prime

---

<sup>97</sup> EIGE (2023) Gender Statistics Database: Supreme courts presidents and members. Available at: [https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm\\_jud\\_natcrt\\_wmid\\_natcrt\\_supcrt/bar/year:2023/geo:BE,ES,NL,PL/EGROUP:CRTS\\_NAT\\_SUP/sex:M,W/UNIT:PC/POSITION:MEMB CRT](https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_jud_natcrt_wmid_natcrt_supcrt/bar/year:2023/geo:BE,ES,NL,PL/EGROUP:CRTS_NAT_SUP/sex:M,W/UNIT:PC/POSITION:MEMB CRT). According to EIGE data, these are the percentages of women in supreme courts in: Belgium 31%, Netherlands 41,7%, Poland 24,8%, Spain 19,2% (accessed on 30 Nov 2023). As to the South African judiciary, see the Judicial Annual Report 2021/22, available at: <https://www.judiciary.org.za/index.php/documents/judiciary-annual-reports?download=11236:judiciary-annual-report-2021-22>

<sup>98</sup> Siobhan Morrin, 'Women Outnumber Men in Spain's Historic New Government', *Time* (June 7 2018) <https://time.com/5304320/spain-new-government-majority-women/>

<sup>99</sup> Mohammed Tawfeeq, Bukola Adebayo and AJ Davis, 'South Africa makes history as women make up half of cabinet for first time', *CNN* (June 1 2019). <https://edition.cnn.com/2019/05/30/africa/south-africa-gender-balanced-cabinet-intl/index.html>, [https://www.parlement.com/id/vlp6ldfx13o0/samenstelling\\_kabinet\\_rutte\\_iv?total=1](https://www.parlement.com/id/vlp6ldfx13o0/samenstelling_kabinet_rutte_iv?total=1) <https://www.brusselstimes.com/133793/10-men-10-women-belgiums-new-government-is-more-female-than-ever>

<sup>100</sup> EIGE (2023) Gender statistics database. National governments: ministers by seniority and function of government (2023-Q3). Available at: [https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm\\_pol\\_gov\\_wmid\\_natgov\\_minis/bar/year:2023-Q3/geo:BE,ES,NL,PL/sex:M,W/UNIT:PC/POSITION:MEMB\\_GOV/EGROUP:GOV\\_NAT/BEIS:TOT](https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_pol_gov_wmid_natgov_minis/bar/year:2023-Q3/geo:BE,ES,NL,PL/sex:M,W/UNIT:PC/POSITION:MEMB_GOV/EGROUP:GOV_NAT/BEIS:TOT). Elise Uberoi, Zoe

minister or president.<sup>101</sup> Nonetheless, there have previously been female prime ministers in Belgium, Poland and the UK.

In the composition of both the executive and the supervisory boards of private companies, women are generally underrepresented. In 2008, Norway was the first country to implement a binding quota for the appointment of [supervisory] boards. Many EU countries followed the Norwegian example in the following decade by taking different kinds of measures, varying from 'soft' to 'hard' and with different scopes of application; applying to listed private companies, state owned companies and/or public companies.

Currently, the share of members of boards in largest quoted companies, supervisory board or board of directors differs between 27.2% (Poland) and 41% (Netherlands) in the consortium countries.<sup>102</sup> In Spain, the female presence in the board of directors reached 31.9% in 2022, whereas the figure among the IBEX35 is 37.6%, with a considerable difference among executives (6.7%) and high management (21.7%).<sup>103</sup> In South Africa, women on boards of largest publicly listed companies reached 34.4% in 2022.<sup>104</sup> However, they accounted for six percent of all executive directors' positions in Johannesburg Stock Exchange (JSE) listed companies in 2002. Since then, a minimal

---

Mansfield, Carl Baker, Paul Bolton, Shadi Danechi, Esme Kirk-Wade, 'Women in politics and public life' research briefing (House of Commons Library 2023), available at: <https://commonslibrary.parliament.uk/research-briefings/sn01250/>

<sup>101</sup> EIGE (2023) Gender statistics database. National governments: presidents and prime-ministers (2023 -Q4). Available at: [https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm\\_pol\\_gov\\_wmid\\_natgov\\_pres](https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_pol_gov_wmid_natgov_pres).

<sup>102</sup> In Belgium, women in leadership positions reached 38.8%, while in Spain the 29.4% according to data from EIGE (2023) Gender Statistics Database, Largest listed companies: presidents, board members and employee representatives. Period 2023-B2. Available at [https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm\\_bus\\_bus\\_wmid\\_comp\\_compbm](https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_bus_bus_wmid_comp_compbm). In the UK, the presence of women on boards has reached 42.1% in the FTSE 350; women in leadership positions (Executive Committee & Direct Report) has increased to 35.2% in FTSE 100 and 33.9% in FTSE 250. FTSE Women Leaders Review. Achieving Gender Balance, February 2024. Available at: <https://ftsewomenleaders.com/wp-content/uploads/2024/02/ftse-women-leaders-report-feb-2024.pdf>.

<sup>103</sup> National Securities Market Commission (CNMV) (2022), 'Presencia de mujeres en los consejos de administración y en la alta dirección de las sociedades cotizadas' (Presence of women on the board of directors and key executive positions in listed entities). Available at: [https://www.cnmv.es/portal/Publicaciones/Consejeras\\_Directivas.aspx](https://www.cnmv.es/portal/Publicaciones/Consejeras_Directivas.aspx)

<sup>104</sup> Data from OECD Statistics in 2022. available at: <https://stats.oecd.org/index.aspx?queryid=54753#>



increase has taken place, according to a report by PwC South Africa. Out of the top 100 JSE-listed companies, only seven are led by female CEOs.<sup>105</sup>

Only one in five companies in Poland is managed by a woman, but 43% of managerial positions are held by female specialists. At the same time, only 31% of women equate professional success with holding a managerial position. Female managers and directors most often manage departments consisting mainly of women (74%). Interestingly, similar trends are not seen for male managers.<sup>106</sup>

While the above figures are certainly telling, a caveat is also in place as one must note that here are important limitations to existing data on gender representation and participation that hamper cross-country comparisons, because of varying data collection methodologies and reporting standards. Moreover, the accuracy is often compromised by underreporting and biases in self-reported data. Significant shortcomings include also the lack of standardized metrics and insufficient intersectional data. Other major limitations involve the scarcity of longitudinal studies and overreliance on quantitative metrics without qualitative context.

Improvement is thus needed in standardizing international data collection, incorporating intersectional and qualitative insights, and implementing robust longitudinal tracking mechanisms. This would enhance the comparability, depth, and practical utility of the data, particularly for cross-country analysis of company boards.

---

<sup>105</sup> PwC, 'South Africa's 2022 Executive Directors practices and remuneration trends report'. Available at: <https://www.pwc.co.za/en/publications/executive-directors-report.html>

<sup>106</sup> Hays (2023) 'Women in the labour market', available at: <https://www.hays.pl/kobiety>.

## 4. The Actions: towards an effective transformative strategy to enhance women's representation in decision-making and leadership

We now turn to identifying the key building blocks of an effective transformative strategy to enhance women's representation in decision-making and leadership positions, as these ensue from the benchmarks established in section 1, the root causes and problems identified in sections 2 and 3 as well as from existing legal and policy approaches, practice and doctrinal and empirical studies on their effectiveness. With a view to the symbolical, cognitive level of change – the 'changing of the software of the mind' within institutions/institutional/corporate culture – it is important to develop a comprehensive/holistic strategy that is based on these different building blocks.

### 4.1 Main building blocks

From section 2, it can be derived that an effective transformative strategy to secure enhanced representation of women in decision-making and leadership requires recognition of the following key elements:

1. **Acknowledgement of the three underlying values and purposes** for better representation of women in decision-making and leadership **as constitutional societal foundations** that impose not only a prohibition of discrimination, but positive obligations on states to promote the required change with a view to living up to the promises these foundations entail;
2. The importance of the **state to lead by example** because of this foundational, constitutional relevance;
3. The **recognition of the identified structural barriers and root causes** of under-representation and that actions need to be geared towards combating these;
4. The recognition that **a comprehensive, holistic approach** is needed to address and remedy these barriers and that thus transcend the mere taking of measures to promote women in leadership roles, but that e.g. also work-life balance rules and measures combating violence against women are required;
5. The recognition that **both the public and the private sphere** need to be part of this strategy;

From the findings in section 3, two other key elements can be derived:

6. The recognition of the need to **secure relevant and comprehensive data** within the own institution/company, including from an intersectional and crisis perspective;
7. The recognition of the need to **scrutinize own institution/company policy, procedures, culture** on the existence of structural barriers.

From **actions taken to enhance women's representation and with a view to securing future effective transformative actions**, we can yet identify a number of other key elements:

8. National actions need to **respect and build on already existing international/EU legal frameworks that entail obligations for change** for countries party to them and express recognition that the national cultural-political context is subordinate to these legal frameworks and cannot serve as an excuse not to take any action at all and not to live up to them;
9. National actions must encompass **the setting of clear transformative equality long-term vision and mission** as to what to achieve and be **given priority**;
10. With a view to realising these goals, national actions must encompass **positive obligations**, including the adoption of an action plan, mainstreaming measures, specific targets, scrutiny policy of the own organisation in the light of the identified barriers (what signs/evidence may be found of discrimination, old boys network, glass walls/cliff etc.). The setting of positive obligations must specifically also include **consideration of different types of positive action measures** beyond the eradication of discrimination, while leaving room for reflexivity/cultural sensitivity, i.e. the own shaping of corporate/institutional policy as to how to realise targets and that allows for overcoming resistance/engaging people in transformative equality effort.
11. **Legally binding quota and preference rules** are particularly helpful in bringing about numerical change, but possibly also behavioural and cultural change.
12. In the setting of such positive obligations and carrying out efforts for change, it is key to **ensure dialogue and engagement of all employees and stakeholders**.
13. **Accountability mechanisms** must be ensured when it comes to the implementation, compliance, monitoring and enforcement of the positive obligations put into place. In

particular, there must be reporting duties and there should be consequences/sanctions attached to non-compliance.

14. **External bodies** are also to play a role in this regard; not only independent national enforcement bodies such as Labour Inspectorate, equality bodies, civil society organisations and social partners, but also the media.

In the following subsections, we will zoom in further on this third set of building blocks (8-14).

## **4.2 Acknowledgement that the cultural-political context is subordinate to the lowest legal common denominator obligation**

As observed in section 2.2, cultural and political contexts and attitudes are relevant in determining gender roles, stereotyping and biases, and, as a result, how big and urgent the problem of women's under-representation in decision-making and leadership is considered to be. Yet, one must understand that the international law approach and norms and, in the European context, the EU-law approach and norms regarding the promotion of women in leadership and the barriers thereto, constitute the lowest common denominator for domestic approaches, laws and policies in the field, regardless of pertaining cultural differences between and political developments in states.<sup>107</sup>

As detailed in section 2.1, women's equal representation is to be seen as a foundational principle of democratic societies and, as such, a principle of constitutional value. Relevant international and European norms are an expression of this value and states, having expressed their agreement to the instruments containing these norms, are bound by them and cannot deviate from their obligations by relying on cultural or political arguments. Within the boundaries set by international and European law, where applicable, there may be some leeway as to how to realise better representation of women, but the goal and value itself cannot be put into question because of cultural and political reasons.

In some cultures, progressive legislation and policies might thus be the most effective tools, while in others, grassroots movements and community engagement could lead the way to change. In places where gender biases are widely recognised and debated, actions may include legal reforms, gender sensitivity training, and campaigns to promote women's leadership. In contrast, in settings where

---

<sup>107</sup> Building block 8.

biases are more normalised, efforts (if at all) might focus on education and community dialogue to shift perceptions.<sup>108</sup>

Moreover, actions in the public sphere can have a ripple effect on individuals' attitudes and behaviours, and vice versa. Public policies that mandate equal representation can lead to a greater acceptance of women in leadership roles, thereby influencing private beliefs about gender roles. Similarly, changes in the private sphere, such as men taking on more caregiving roles, can challenge public stereotypes about gender and work. At the same time, ongoing political developments across Europe are indicative of increasing resistance to and less support for the promotion of gender(identity)-related laws and policies.<sup>109</sup>

### **4.3 The setting of positive obligations for public and private institutions as part of a holistic/comprehensive approach**

#### **4.3.1. The setting of an organisational transformative equality mission, vision and action plan**

For any institution or organisation, be it in the public or in the private domain, it is key to determine and establish a clear mission to combat structural and institutional discrimination and to pursue the realisation of transformative equality, in all of its 'wires'.

---

<sup>108</sup> See for such differences, the country reports covered by Deliverable D.2.2: Case study report on gendered nature of law- and policymaking processes and crisis response towards gender-based violence.

<sup>109</sup> Ibid.

The mission is to go hand in hand with the framing of a vision: a glimpse into what the future of the organisation and of its people should look like, taking into account its gender equality aims and mission. The *urgency* of this vision for the organisation and the *priorities* that need to be set in order to realise it should also be made clear.

This vision, in turn, needs to be translated into a gender equality policy with concrete goals, together with a plan of action to achieve these goals. The gender equality policy must set out Specific, Measurable, Acceptable, Realistic and Time-bound goals, according to the SMART principle.<sup>110</sup>

In light of the RE-WIRING TEA, establishing a ***specific plan of action*** would, first of all, require from leaders in organisations to recognise the many different ways in which gender stereotyping and biases may be the root causes of persisting structural, institutional and intersectional inequalities within their own organisation. This should be coupled with a recognition that such structural inequalities may have translated into concrete obstacles to equal representation of all genders and to women's path to leadership roles (as identified in section 2.2). The action plan must be geared towards addressing and remedying these root causes, and it must also consider how equal representation will be ensured in the case of *crisis situations*, including in the set-up of crisis response teams.

The organisation's mission, vision and action plan will only be realistically achievable if there is ***broad acceptance, support and engagement*** for its implementation, encouraging everyone to become an agent of change. *Co-creation* in the development of the mission, vision and action plan is, therefore, also key, especially in relation to taking on board the interests and views of affected marginalised groups, as well as of men within the organisation. This is essential for *preventing* and/or *overcoming resistance* to transformative change, as well as for safeguarding against unintended or counterproductive effects, such as reinforcing harmful stereotypes and/or patriarchal or colonial perspectives. There should thus be an *open, transparent and inclusive dialogue* on the development of the transformative equality mission, vision and action plan of any organisation.

The achievement of the mission, vision and action plan needs also to be ***realistic*** in terms of the financial, administrative, and other ***resources*** that must be made available to this end. *Gender budgeting* is, therefore, a critical component of any such plan to effectively carry out and implement specific initiatives designed to achieve equal representation of all genders from an intersectional perspective and to facilitate women's pathways to leadership roles.

---

<sup>110</sup> Doran, G. T. (1981). There's a S.M.A.R.T. Way to Write Management's Goals and Objectives. *Management Review*, 70, 35-36.

The goals identified in the action plan must also be **measurable** and set against specific **timelines**. Considered from the perspective of the RE-WIRING transformative and effectiveness benchmarks,<sup>111</sup> the standard of success is not only the *numerical progress* in women's representation at a given moment in time (*institutional level*), but also the *behavioural and cultural change* on the shopfloor (*experiential level*) and in the organisation's narrative on its own identity (*symbolical level*). While this latter element of progress is more difficult to measure, it should not be excluded from the action plan on that basis. Rather, organisations should seek to establish indicators that will allow them to monitor trends and patterns. One can think here for example of keeping track of reasons of leaving in exit interviews; numbers of gender equality-related grievances; the retention rate of women (i.e. attrition rate should be reduced over time); employee engagement survey results re culture (i.e. employees' perception of culture and cultural change); and number of women applying for leadership positions.

The mission, vision and SMART action plan can affirm an organisation's commitment to a transformative equality approach and provide a continuous overarching benchmark against which to measure change and ensure accountability for achieving concrete results. This necessitates a *continuous effort* - that is, not limited in time and without a set expiration date - to achieve the full effects of transformative equality across all levels (institutional level, experiential/normative level, and symbolical/cultural/cognitive levels).<sup>112</sup>

#### 4.3.2 The gathering of necessary data

With a view to the effective realisation of an organisations' mission, vision and action plan regarding the balanced representation of women and of all genders in leadership positions, access to all

---

<sup>111</sup> See section 1 and D.1.3.

<sup>112</sup> See above sections 1.2. and 2.1; cf also the distinction made there between descriptive representation, substantive and symbolical representation.

relevant data regarding the *nature and the scope* of the problem of under-representation within the organisation is crucial.

This entails that organisations must not only record and monitor data regarding the representation of different genders in different function groups and leadership positions, including from an *intersectional perspective*, but also that they actively engage in scrutinising the gendered and potentially patriarchal and gender-biased nature of applied selection/nomination standards, rules, measures and procedures.

Equally important in this regard is the organisation's ability to *identify existing gaps in relevant data*, as well as its willingness to address these gaps through dedicating the necessary resources.

### 4.3.3 The adoption of positive action measures

One of the principal mechanisms to address women's underrepresentation in public life is positive action, which is the term used to denote proportionate measures undertaken with the purpose of achieving full and effective equality in practice for women or members of other groups that are socially or economically disadvantaged, or otherwise face the consequences of past or present discrimination or disadvantage.<sup>113</sup> Positive action measures may take different forms and be of different intensity, while the language used to describe them in national legal systems often varies.<sup>114</sup> Inevitably, there are different ways to categorise positive action measures, for instance according to their status under national law<sup>115</sup> or according to the material and personal scope of application of the relevant rules.<sup>116</sup> Christopher McCrudden has offered two of the most well-known and influential attempts to categorise positive action measures. The first is a broader taxonomy of the legal concept of positive action that classifies the relevant measures into five groups: (category a) measures

---

<sup>113</sup> Equinet Report, 'Exploring Positive Action as a Means to Fight Structural Discrimination in Europe', 2021, p. 14 [available at: <https://equineteurope.org/wp-content/uploads/2022/04/Exploring-positive-action-as-a-means-to-fight-structural-discrimination-in-Europe.pdf>]. This definition of positive action or positive measures under EU law stems from the combined reading of Article 157(1) TFEU and the relevant provisions of EU equality directives.

<sup>114</sup> C. McCrudden, 'Gender-based positive action in employment in Europe: A comparative analysis of legal and policy approaches in the EU and EEA', October 2019, European network of legal experts in gender equality and non-discrimination, pp. 80 et seq (available at: <https://www.equalitylaw.eu/downloads/5008-gender-based-positive-action-in-employment-in-europe-pdf-1-9-mb>).

<sup>115</sup> C. McCrudden, 'Gender-based positive action in employment in Europe', pp. 85-107.

<sup>116</sup> C. McCrudden, 'Gender-based positive action in employment in Europe', pp. 108-114.



intended to eradicate discrimination (category b) purposefully inclusionary policies; (category c) outreach programmes; (category d) measures providing for preferential treatment in employment; and (category e) measures aimed at redefining "merit".<sup>117</sup> The second, narrower, taxonomy is intended to classify national legislation and practice in the field of employment specifically into three categories: anti-discrimination as positive action (category I); positive action without preferences at the point of hiring or promotion (category II); and preferential treatment positive action (category III).<sup>118</sup>

Both these taxonomies offer useful insights into how positive action measures can become an important component of an effective transformative equality strategy. This is true even when one concedes that the taxonomies are not specifically focused on positive action measures aimed at gender gaps in decision-making and leadership positions. In this regard, it is important to recognise that some of the categories involve measures that may appear to be less useful or effective in the specific context of decision-making and leadership, which is arguably the case with **outreach measures** (category c). Outreach programmes are typically intended to address information of skills gaps in the underrepresented community, and they respectively include measures designed to increase awareness of (and offer encouragement to apply for) jobs and training for a particular job.<sup>119</sup> Such measures may indeed seem better suited, in principle, for increasing gender representation at entry level positions or in specific gender-segregated segments of the labour market. However, reaching out to individual women employees may also be crucial in breaking the glass ceiling. Organisations that recognise the root causes and structural barriers leading to underrepresentation of women at the level of leadership (building block 3), must also appreciate that such structural barriers may form part of their own culture or practices (building block 7). A concrete and practical

---

<sup>117</sup> C. McCrudden, 'Rethinking Positive Action' (1986) 15 Industrial Law Journal 219-243).

<sup>118</sup> C. McCrudden, 'Gender-based positive action in employment in Europe', pp. 115-140.

<sup>119</sup> C. McCrudden, 'Rethinking Positive Action', p. 224, where further examples of the two types of outreach measures.

solution to this problem could be to adopt an opt-out mechanism for promotions, which is one of the known better practices to address underrepresentation in leadership roles.<sup>120</sup>

As explained in our Deliverable 4.1, an **opt-out mechanism** entails that organisations will automatically consider all qualified individuals for leadership positions, unless an individual wishes to opt-out from the selection process. The opt-out mechanism can mitigate factors that often create barriers for individuals from underrepresented genders or other groups. To be clear, the opt-out mechanism as described here is not technically a positive action measure, given that it does not specifically target the members of the underrepresented group(s) but is, instead, open to everyone who is deemed qualified for the position. Tweaking the opt-out mechanism so that only members of an underrepresented gender or other group are automatically considered (with all other individual employees having to actively apply for the leadership promotion) would be a lawful positive action measure with the potential of achieving transformative results more quickly.

More importantly, however, **the success of the opt-out mechanism (either in its standard format or in the tweaked version of a positive action measure) in addressing the underrepresentation gap in leadership inevitably depends on the definition of merit the organisation is using to determine the pool of qualified individuals.** If part of the problem lies in the use of traditional definitions of merit that are tinted by gender stereotypical understandings of good leadership, the need to **redefine merit** through category (e) positive measures in McCrudden's first taxonomy is obvious. By the same token, purposefully inclusionary policies of the category (b) type are also likely to be a necessary piece of the transformative equality puzzle. Given that applicants from the underrepresented groups are more likely to lack in leadership experience, measures designed to actively encourage the engagement of all employees in educational/management/leadership training programmes, although facially neutral, are more likely to benefit women and other underrepresented groups.

The example of the opt-out mechanism, as well as the additional options, discussed above involve measures that would be classified as category (a) (anti-discrimination), (b) (inclusion) or (c) (outreach) in McCrudden's first taxonomy, and either category I (anti-discrimination) or category II (no preference in hiring) positive action in his second taxonomy, given that they do not involve preference to any individual applicant at the point of hiring or promotion. A comprehensive transformative equality strategy, however, should also include category III positive action measures, that is **quotas and other similar measures** designed to reduce gender underrepresentation in the

---

<sup>120</sup> See Deliverable D.4.1:TOOLKIT: BETTER PRACTICES ADDRESSING WOMEN'S REPRESENTATION IN THE WORKPLACE, p. 10.

short term. As explained in the relevant literature,<sup>121</sup> the CJEU has been very clear in its case law that gender quotas in hiring or promotions are legitimate, insofar as gender is used as a tie-breaker between equally qualified candidates. So far, the use of quotas is not compulsory as a matter of EU law, but this will soon change for companies with more than 250 employees with the new Women on Boards Directive. Some EU Member States have been ahead of the curve and have already introduced compulsory gender quotas in their national laws for either the public sector or both the public and the private sector. In most, if not all, EU Member States, there is a growing number of public and private sector organisations that use quotas on a voluntary basis, as part of a transformative equality strategy. This does not only reflect the gradual realisation of policy makers and business leaders that gender quotas are a legitimate means of achieving gender quality goals and obligations, but it is also **the logical reaction to a growing body of evidence that gender quotas actually work both in a business<sup>122</sup> and in a broader institutional and public context.**<sup>123</sup>

**The complex picture that emerges is precisely why true transformation will be difficult, if not impossible, without a comprehensive approach (building block 4) that will underpin an organisation's long-term vision and mission (building block 9).** This complexity, however, should not obfuscate the reality that both states and public and private sector organisations are

---

<sup>121</sup> Instead of many see Panos Kapotas, 'A tale of two cities: positive action as "full equality" in Luxembourg and Strasbourg' in Kanstantsin Dzehtsiarou, Theodore Konstadinides, Tobias Lock, and Noreen O'Meara (eds.) *Human Rights Law in Europe: The influence, overlaps and contradictions of the EU and the ECHR* (Routledge, 2014), 188-214.

<sup>122</sup> See Deliverable D4.1: TOOLKIT: BETTER PRACTICES ADDRESSING WOMEN'S REPRESENTATION IN THE WORKPLACE, pp. 37 et seq.

<sup>123</sup> See e.g. the comparative analyses of both the public and private sector approaches in the EU: B. Kotevska and V. Pavlou, *The promotion of gender balance in political decision-making*, report for the European Equality Law Network (2023), Luxembourg, Publications Office of the EU; and L. Senden and S. Kruisinga, *Gender-Balanced Company Boards in Europe*, report for the European Equality Law Network (2017), Luxembourg, Publications Office of the EU.

under a legal obligation to address their respective gender equality gaps in decision-making and leadership positions. An equality strategy that encompasses the building blocks set out in section 4.1 should be informed by an acknowledgement that constitutional values and aims (building block 1) find their concrete expression in the existing legal framework (building block 8). It is this legal framework that, in turn, creates positive obligations (building block 10) for states (EU law / international law, e.g. CEDAW) and private sector employers (EU law, e.g. Women on Boards Directive; national law transposing EU Directives and international legal obligations, e.g. CEDAW, Ruggie Principles). Positive action measures, therefore, of the anti-discrimination type (categories (a) and (l) in McCrudden's taxonomies) may, in fact, be a necessary means of discharging this basic legal obligation.

As already established, there is a robust body of research that highlights how **legal reforms at the international and domestic level, including gender quotas, have been instrumental in increasing women's participation in decision-making both at the level of business leadership and at the level of political representation in various countries**. This success demonstrates the impact that progressive legislation and policies can have in different cultural contexts with different societal views and expectations on gender roles. There is, of course, no doubt that in more progressive societies or countries with more openness to legislative change, such measures can be particularly effective.<sup>[66]</sup> On the same token, it should be clear that **resistance to transformative equality strategies due to patriarchal cultural norms cannot be used as an excuse not to meet constitutional, European, and international legal obligations**.

#### 4.3.4 Redefining merit and co-ceo ship

Another option to consider, and that may help to redefine merit and in particular what constitutes 'good leadership' is co-ceo ship. A study of 87 companies led by co-CEOs revealed that those companies tended to generate better returns than peer companies with just one CEO. But the study also made clear that "successful power sharing at the top depends on multiple factors: strong commitment to the partnership by both leaders, complementary skill sets, clear responsibilities and decision rights, mechanisms for conflict resolution, the projection of unity, shared accountability, board support, and an exit strategy."<sup>124</sup> The researchers do warn, however, also that the co-CEO model will not work everywhere.

---

<sup>124</sup> Feigen, M.A, Jenkins, M, Warendh, A, 'Is It Time to Consider Co-CEO's?', Harvard Business Review, (July-August 2022).

There is also some criticism on co-ceo ship because of it being considered rather patronizing and a reinforcement of patriarchy, where it may suggest that women are not considered qualified enough to do this job on their own and would only be able to be a ceo 'under the wings' of a male co-ceo.

An interview we conducted with the two co-ceo's of the company of Tauw, one male and one female, confirms many of the factors mentioned hereabove. Other elements they underscored were: co-ceo'ship needs to grow bottom-up and must not be imposed top-down, co-ceo's need to share similar values and norms, own ego needs to be set aside, and there must be regular calibration of mission, vision and strategy between them. The benefits – better company performance, more participatory, divers and modern management, more ideas and flavours to choose from - have been said to outweigh the downsides co-ceo'ship may bring with them. The latter may be that at least initially team cooperation may be more difficult, that it takes more time to decide and there may be unclarities on task division and accountability. But the male ceo also expressed that he is a better ceo with his female colleague than without her.

#### **4.3.5 Purposefully inclusionary policies and 'satellite measures'**

Quotas alone cannot change the representation landscape, nor can any other measure on its own. Quota systems should be supported not only by measures that raise awareness of and draw attention on the importance of gender balance in decision-making roles, but also by measures that can bring about change by encouraging and facilitating the taking up of such roles by removing obstacles along the way. These encompass purposefully inclusionary policies (category (c) measures in McCrudden's first taxonomy), abut also more nuanced approaches, measures, and practices that are developed in response to the complexity and specificity of particular contexts with a view to supporting and facilitating the effective use of quotas or other positive action measures.

We refer to these as ‘satellite measures’ to describe both their position on the periphery of the concept of positive action<sup>125</sup> and their significant role as part of a broader institutional infrastructure needed to achieve transformative outcomes. The need for such institutional infrastructure is widely recognised. The EU Statement in the latest Session of the UN Commission on the Status of Women, for instance, explicitly highlights the interlinkages between fragility, crisis, conflicts, poverty, health and sexual and gender-based violence globally.<sup>126</sup> Against this backdrop, this section aims to offer a brief overview of the most prominent areas for purposefully inclusionary policies and satellite measures, with a view to creating or expanding the space for transformative change.

### The role of the state: Regulatory incentives

In part, the institutional infrastructure must come in the form of **regulatory interventions** by the state, with **satellite measures** designed to incentivise public and private sector organisations in addressing the gender gap in decision-making and leadership positions. These satellite measures will supplement existing positive action measures, including quota systems. An example of such a measure is the Greek Act 4604/2019 that introduces a system of equality mark awards for enterprises in the public and private sector that excel in the implementation of gender equality policies. The open-ended list of criteria against which the marks are awarded include the balanced participation of women and men in managerial positions.<sup>127</sup> A particularly powerful type of satellite measure is to introduce public procurement incentives for companies that achieve gender equality targets set out in equality law. South Africa has made use of this option, by awarding public works contracts and offering tax incentives for companies who meet some of the targets set by the Broad-Based Black Economic Empowerment Act 2003 (B-BBEE 2003).<sup>128</sup>

### The role of Human Resources: training, recruitment, selection, and promotion policies

An important stepping stone in enhancing women’s representation in leadership positions is the widening of the pool of qualified women for such roles. **Mentorship and internship programmes**

---

<sup>125</sup> It is an interesting doctrinal question whether such satellite measures should fall within the conceptual boundaries of positive action, even if on the periphery, or altogether outside the concept, but the answer to this question should have little practical significance for present purposes.

<sup>126</sup> European Union Statement delivered by Belgium at the Opening Session of the 68th Session of the Commission on the Status of Women, 12 March 2024, New York [available at: [https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%93-un-commission-status-women-opening-session-0\\_en](https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%93-un-commission-status-women-opening-session-0_en)].

<sup>127</sup> C. McCrudden, ‘Gender-based positive action in employment in Europe’, p 210.

<sup>128</sup> See infra section 5.2.

targeted at **women graduates** can help create a robust pipeline of women in the low- to mid-management levels.<sup>129</sup> On the same token, actively engaging men must be an integral part of any gender equality strategy.<sup>130</sup> **Anti-bias training programmes for men officeholders** are not only an important awareness-raising tool, but also a symbolic statement against stereotypical assumptions about women's lack of leadership skills that are often used to ostensibly explain the gender leadership gap. A transformative equality approach is unlikely to yield tangible results unless and until men leaders recognise that it is not women that need to 'fix themselves' in order to make it to the top. Instead, male leaders should appreciate both the need for institutional transformation and their own role as agents of that transformative process. As Piscopo suggested, training programmes of this nature should be made culture-specific and they should be supported by initiatives to prevent and mitigate resentment and <sup>131</sup>OBJ

Another part of the bigger picture is the setting up of internal **accountability mechanisms** for non-compliance with the organisations gender equality strategy. Organisation leaders and recruitment managers should be held accountable – and suffer consequences – if they do not comply with the gender equality vision, targets, and timeline as set out in the equality action plan. Stakeholders in

---

<sup>129</sup> For successful examples of such programmes see Deliverable 4.1, TOOLKIT: BETTER PRACTICES ADDRESSING WOMEN'S REPRESENTATION IN THE WORKPLACE, p. 11.

<sup>130</sup> On engaging men and boys see also Deliverable D1 THE RE-WIRING TRANSFORMATIVE EQUALITY APPROACH AND RESEARCH METHODOLOGY TEMPLATE.

<sup>131</sup> Jennifer Piscopo, 'The impact of women's leadership in public life and political decision-making', Expert paper prepared for the Expert Group Meeting, Sixty-fifth session of the UN Commission on the Status of Women, October 2020, EGM/CSW/2021/EP13, citing Hayes, T. L., Kaylor, L. E., and Oltman, K. A., 'Coffee and controversy: How applied psychology can revitalize sexual harassment and racial discrimination training' (2020) 13 Industrial and Organizational Psychology: Perspectives on Science and Practice 117.

the RE-WIRING project have reported that some large organisations have made promotions of recruitment managers contingent on meeting gender equality targets.

### Work-life balance

Work-life balance policies are increasingly recognised **as pivotal for enhancing gender diversity and women's representation in both the public and private sectors**. These policies directly impact the ability of women to participate more fully in the workforce and ascend to leadership positions. According to Hill, Erickson, Holmes, and Ferris,<sup>132</sup> work-life balance initiatives are crucial for retaining high-potential female employees and facilitating their career progression. Such policies not only support women in managing their professional and personal responsibilities more effectively but also signal an organisational culture that values diversity and inclusion. Implementing work-life balance policies is also considered essential for modern organisations aiming to enhance employee well-being and organisational performance.

Examples of such policies include **flexible working hours**, as seen in companies like Google, which allow employees to tailor their work schedules around personal commitments. **Telecommuting options**, offered by firms such as Salesforce, enable staff to work from home, reducing commute times and increasing personal time. Progressive parental leave programs, like Netflix's policy offering up to a year of paid leave, support new parents financially and emotionally. On-site childcare services, provided by companies like Patagonia, alleviate logistical challenges for working parents. Additionally, **employee assistance programs**, such as those offered by Ernst & Young, offer mental health support among other services, acknowledging the broad spectrum of employee needs. Sabbatical leave and part-time work options further illustrate the commitment to accommodating diverse life situations, ensuring employees do not have to choose between their career and personal life. These policies are designed to accommodate the diverse needs of employees, thereby enhancing overall productivity and well-being. Kossek, Baltes, and Matthews<sup>133</sup> argue that effective work-life balance policies can lead to reduced turnover rates, higher job satisfaction, and increased organisational commitment.

More specifically, the implementation of flexible working hours and telecommuting options, as studied by Golden,<sup>134</sup> has been shown to **reduce turnover intentions among women**, suggesting that flexibility is key to enhancing women's job satisfaction and commitment. Similarly, extended

---

<sup>132</sup> Hill, E. J., Erickson, J. J., Holmes, E. K., & Ferris, M., 'Workplace flexibility, work hours, and work-life conflict: Finding an extra day or two' (2010) 24 *Journal of Family Psychology* 349.

<sup>133</sup> Kossek, E. E., Baltes, B. B., & Matthews, R. A., 'How work-family research can finally have an impact in organizations' (2011) 4 *Industrial and Organizational Psychology* 352.

<sup>134</sup> Golden, T. D., 'The role of relationships in understanding telecommuter satisfaction' (2006) 27 *Journal of Organizational Behavior* 319.



parental leave policies and on-site childcare services have been linked to higher rates of return to work post-childbirth, thereby supporting women's continuous career development.<sup>135</sup> These measures not only help in retaining talented female employees but also contribute to narrowing the gender gap in leadership positions across sectors.

Furthermore, **the presence of work-life balance policies can play a significant role in challenging and changing societal norms regarding gender roles.** By facilitating **men's participation in caregiving through paternity leave and flexible work options**, these policies help in redistributing domestic responsibilities more equitably, thereby supporting dual-career households. This shift not only benefits women's career trajectories but also contributes to a more gender-equitable society. As observed by Kossek, Lewis, and Hammer,<sup>136</sup> such organisational policies can **catalyse broader social change**, incrementally increasing women's representation and leadership in both the public and private spheres.

### Protection against gender-based violence/violence against women

There is a growing realisation that the constant threat of gender-based violence and violence against women is an important contributing factor to the gender gap in leadership and decision-making. The UN Secretary-General, for instance, identifies the need to increase the number of women in leadership positions as a top priority, but he is also clear about the obstacles that need to be overcome, including the persistent epidemic of gender-based violence.<sup>137</sup> A 2024 report on gender

---

<sup>135</sup> Pettigrew, T. F., & Roberts, A. M., 'Addressing the effects of work-life balance on job satisfaction and organizational commitment: An empirical study in public organizations' (2008) 31 *International Journal of Public Administration* 1049.

<sup>136</sup> Kossek, E. E., Baltes, B. B., & Matthews, R. A., 'How work-family research can finally have an impact in organizations' (2011) 4 *Industrial and Organizational Psychology* 352.

<sup>137</sup> UN Secretary General, Press Release, 8 March 2024 [available at: <https://press.un.org/en/2024/sgsm22147.doc.htm>].

equality in the EU paints an equally grim picture, pointing out that a factor to bear in mind when considering data on women's political representation is the violence and hate women in public life constantly face.<sup>138</sup>

Deliverable D2.2 offers a detailed overview of how gender-based violence and violence against women is framed and addressed in the national systems of the consortium partner countries.<sup>139</sup> Many of the policies discussed therein constitute satellite measures that can support a transformative equality strategy that includes positive action measures and gender quotas. One example of such satellite measures comes from Iceland and its Gender Equality Act, which introduces a positive obligation of employers and directors of institutions and NGOs to take special measures to protect employees, students and clients from gender-based violence, gender-based harassment or sexual harassment in the workplace.<sup>140</sup>

#### 4.3.6 Raising of awareness, stimulating dialogue, building support and tackling resistance

In many countries, the initiatives of political parties to introduce quota systems or other gender equality policies were strongly supported by **women's committees** or sections within the party. In *Spain*, for example, political parties' gender equality plans were promoted by the Women's sections of three left-wing parties, which leveraged their international networks.<sup>141</sup> In *South Africa*, the ANC (ruling party) implemented a quota system, after the mobilisation of the Women's section within the party, the ANC Women's League (ANCWL), who took political action in the early 1990s to advocate for a candidate quota.

---

<sup>138</sup> European Commission, Directorate-General for Justice and Consumers, *2024 report on gender equality in the EU*, Publications Office of the European Union, 2024, p. 37 [available at: [https://commission.europa.eu/document/download/965ed6c9-3983-4299-8581-046bf0735702\\_en?filename=2024%20Report%20on%20Gender%20Equality%20in%20the%20EU\\_coming%20soon.pdf](https://commission.europa.eu/document/download/965ed6c9-3983-4299-8581-046bf0735702_en?filename=2024%20Report%20on%20Gender%20Equality%20in%20the%20EU_coming%20soon.pdf)].

<sup>139</sup> See Deliverable D2.2: D.2.2 Gendered laws and policies - Country reports.

<sup>140</sup> . McCrudden, 'Gender-based positive action in employment in Europe', p 104.

<sup>141</sup> Verge, 'Political party gender action plans'.

Kang and Tripp<sup>142</sup> also showed the importance of strong **domestic women's organisations building coalitions** to support quotas. It is also argued that broad coalitions among feminist actors could have brought different outcomes in the public debate on the first proposal of corporate gender quotas in Spain, instead, the lack of such mobilisation prevented the approval of more stringent quota rules.<sup>143</sup>

**NGOs can also develop a host of voluntary and societal initiatives to improve women's representation in company boards, which contribute not only to raising awareness and transparency on companies' policies and their (non-)achievements but also to strengthening their commitment to change.** In Poland, for example, a number of foundations and associations such as Kongres Kobiet,<sup>144</sup> Stowarzyszenie Aktywne Kobiety,<sup>145</sup> Ośrodek Informacji Środowisk Kobietych,<sup>146</sup> and Centrum Praw Kobiet<sup>147</sup> promoted such initiatives. "30% Club Poland", for example, aimed at achieving "no all-male boards by 2025 and to increase the share of women on boards to 20% by 2025 and eventually to at least 30% by 2030."<sup>148</sup> The Club carries out education and information activities. Many companies operating in Poland (e.g. Bank Pekao S.A., Budimex, Bank Citi Handlowy S.A.) introduce special programmes to support women, including those

---

<sup>142</sup> Kang, A. J., & Tripp, A. M., 'Coalitions matter: citizenship, women, and quota adoption in Africa' (2018) 16 Perspectives on Politics 73.

<sup>143</sup> Verge, T., & Lombardo, E., 'The contentious politics of policy failure: The case of corporate board gender quotas in Spain' (2021) 36 Public Policy and Administration 539. The situation has changed with the new Bill on Gender Parity in decisionmaking, which transposes the EU Directive on Gender quotas in corporate boards. BOCG. Senado Núm. 122\_1388 (Apartado I) de 01/07/2024 Pág.: 2 Texto remitido por el Congreso de los Diputados.

<sup>144</sup> <https://kongreskobiet.pl/>

<sup>145</sup> <http://aktywnekobiety.org.pl/>

<sup>146</sup> <https://www.eurodesk.pl/organizacje/oska-osrodek-informacji-srodowisk-kobietych>

<sup>147</sup> <https://cpk.org.pl/szkolenia/akademia-mocy-kobiet/>

<sup>148</sup> <https://30percentclub.org/chapters/poland/>

supporting professional development and promotions. The **Forum for Responsible Business** produces an annual report with initiatives and good practices for the inclusion of women in the business sector.<sup>149</sup> Another example of this is the **Dutch Talent to the Top initiative**, in existence since 2008 and which now not only stimulates gender balance but also cultural diversity. It has established a **Charter** to which companies can subscribe and an **annual Monitor** on compliance is published. It also provides cross-company board trainings and network and mentoring programs.

**Male leaders could also be mobilised more.** Initiatives that involved men in leadership positions championing gender equality, thus leveraging people's responsiveness to gender equality messages conveyed by public figures and political leaders, have shown positive results.<sup>150</sup> Men officeholders can be allies, but also gatekeepers and responsible for biased behaviour in assessing female candidates.

**Changing representation of male and female politicians in media and advertising** is also important to avoid the reproduction of stereotypical views of their role, or difference in their media coverage that may contribute to under-representation of women politicians.<sup>151</sup>

**Public awareness raising in the area of elections** has also shown effective results in countries like the Netherlands, Norway and Liechtenstein.<sup>152</sup> In the Netherlands, for example, the public awareness-raising campaign *Stem op een Vrouw* ('Vote for a woman') encouraged voters to make use of **preferential voting by strategically voting for a female candidate** who is placed lower on

---

<sup>149</sup> Forum Odpowiedzialnego Biznesu (The Forum for Responsible Business), Odpowiedzialny Biznes w Polsce. Dobre Praktyki. Raport 2022 (Responsible Business in Poland. Good Practices. Report 2022), available at: [https://odpowiedzialnybiznes.pl/wp-content/uploads/2023/04/FOB\\_Raport2022.pdf](https://odpowiedzialnybiznes.pl/wp-content/uploads/2023/04/FOB_Raport2022.pdf).

<sup>150</sup> UN Commission on the Status of Women, 'Women's full and effective participation and decision-making in public life' (n 13) p. 13; Subašić, E., Hardacre, S., Elton, B., Branscombe, N. R., Ryan, M. K., & Reynolds, K. J., 'We for She': Mobilising men and women to act in solidarity for gender equality' (2018) 21 Group Processes & Intergroup Relations 707.

<sup>151</sup> Aaldering L, Van Der Pas DJ., 'Political Leadership in the Media: Gender Bias in Leader Stereotypes during Campaign and Routine Times' (2020) 50 British Journal of Political Science 911. See also D.1.3.

<sup>152</sup> Kotevska and Pavlou, 'Promotion of gender balance in political decision-making' (n 22) 115



the list.<sup>153</sup> The campaign was effective also at the local level. When a certain threshold of preferential votes has been reached, a list can be bypassed.<sup>154</sup>

---

<sup>153</sup> <https://stemopeenvrouw.com/nieuws>. Kotevska and Pavlou, 'Promotion of gender balance in political decision-making' (n 22) 72.

<sup>154</sup> Kotevska and Pavlou, 'Promotion of gender balance in political decision-making' (n 22) 115.



This publication has been produced with the financial support of the European Union's Horizon Europe research and innovation program under Grant Agreement n° 101094497. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Research Executive Agency (REA). Neither the European Union nor the granting authority can be held responsible for them.

## 5. Testing quota approaches against the RE-WIRING TEA

Globally, measures to improve the number of women in the legislature are widespread, given that they have been on the international policy agenda for over three decades now. Argentina was the first country in the world to introduce electoral quotas in 1991. Thirty years later, in 2021, 85 states had done so.<sup>155</sup> In 2020, the UN Commission on the Status of Women (CSW) concluded that quotas have been key in driving progress in women's representation, but such progress has been slow and uneven and at global level we are still far from achieving parity, namely a 50/50 representation of men and women in public life.

In the African context, there are regional human rights instruments enshrining gender equality in political participation and representation, such as Article 2 of the African Charter on Human and People's Rights, which requires state parties to adopt institutional mechanisms to promote equality between men and women. There is also the Southern African Development Community (SADC) Protocol on Gender and Development (2008), which introduced a 50% quota target to be met by 2015 for equal representation between men and women in political leadership.<sup>156</sup> The quota appears to have had an immediate impact in South Africa, with women occupying 43% of Cabinet posts, 46% of Deputy Minister Positions, and 41% parliamentary seats after the 2014 general elections.<sup>157</sup>

By contrast, there is still no harmonising EU primary or secondary law instrument that regulates women's participation in political life and elected public office.<sup>158</sup> Yet, after more than a decade of political disagreement and controversy, the new Gender Balanced Company Boards Directive was finally adopted in December 2022.<sup>159</sup> This marks a new era in the regulation of gender balance in leadership positions within (a section of) the EU labour market. Aiming to achieve a more balanced

---

<sup>155</sup> Revillard, A., & Tuffy, Y., 'Gender quotas: an interdisciplinary scoping review' (2023) 21 French Politics 315.

<sup>156</sup> (<https://www.elections.org.za/content/Documents/Event-materials/2023-Women-s-Dialogue/CGE-Current-State-of-Gender-Parity-in-Politics/>)

<sup>157</sup> ONE, "Towards the United Nations General Assembly meeting on the new Sustainable Development Goals (SDGs), 2015 South Africa Women's Month Status Report on Women and Girls [available at: <https://s3.amazonaws.com/one.org/pdfs/Status-of-women-and-girls-in-South-Africa-2015.pdf>].

<sup>158</sup> See already section 2.

<sup>159</sup> Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures (available at: <https://eur-lex.europa.eu/eli/dir/2022/2381/oj>). Pursuant to Article 11 the transposition period expires on 28 December 2024.

representation of women and men among the directors of listed companies,<sup>160</sup> the Directive introduces mandatory targets regarding gender balance on the boards of directors of publicly listed companies,<sup>161</sup> so that by June 2026 either 40% of all non-executive directors or 33% of all directors belong to the hitherto underrepresented sex.<sup>162</sup> Equally importantly, the Directive lays down a range of mechanisms in order to achieve the targets, including a tiebreak gender quota.<sup>163</sup> It is notable that this is the first time an EU legal instrument provides for positive action as a compulsory (rather than merely permissible) means of achieving gender equality.<sup>164</sup> So, as a matter of EU law, Member States are under an obligation to proactively address the underrepresentation of women at the level of board of directors in large companies, but they have discretion on whether and how to address the same problem of underrepresentation at the level of political institutions.

What emerges, therefore, is a relatively fragmented regulatory picture with regard to addressing the underrepresentation of women in leadership positions in the public as well as the private sphere. Also in the consortium countries, different measures are in place, ranging from statutory quotas, with more or less hard targets and compliance mechanisms, to voluntary initiatives and awareness campaigns. Here below, we explore the good practices in terms of rules, mechanisms and tools designed to increase women's representation in public and private leadership roles in these countries. The positions in the public sector that are part of this analysis are seats in parliament and governments (5.1); for the private sector, the focus lies on executive and supervisory board members of large companies (5.2). Findings are categorised according to the **three dimensions** of the project:

---

<sup>160</sup> Article 2, Directive (EU) 2022/2381.

<sup>161</sup> The Directive does not apply to micro, small and medium-sized enterprises. Its scope only extends to companies with a minimum of 250 employees and annual turnover up to 50 mil € or annual balance sheet total up to 43 mil € (Article 3). See respectively Articles 2 and 3, Directive (EU) 2022/2381

<sup>162</sup> Article 5, Directive (EU) 2022/2381.

<sup>163</sup> Article 6, Directive (EU) 2022/2381.

<sup>164</sup> Christopher McCrudden, 'Gender-based positive action in employment in Europe. A comparative analysis of legal and policy approaches in the EU and EEA', report for the European network of legal experts in gender equality and non-discrimination (EELN) (Publications Office of the European Union 2019).

**institutional, symbolical, and experiential.** However, the categorisation is not a fixed one, as some of the best practices analysed could have an impact on multiple dimensions. Institutionally, the effectiveness of quotas is linked to specific legislative environments and enforcement mechanisms, with varying impacts on firm performance across different regions. Experientially, while quotas can close the network gap, they must also ensure substantive roles for women in organisations, moving beyond mere numerical representation, through the “role model” effect described here below. This also has important symbolical meaning, including for male leaders that stand up for gender equality in their organisation.

The institutional, symbolical, and experiential dimensions converge into a singular but holistic approach, the RE-WIRING transformative equality approach. The RE-WIRING TEA enables us to measure the success of gender equality policies, including gender quotas, in the public and private sectors, but it also helps appreciate the need for a minimum institutional infrastructure that transcends the public / private dichotomy, with an emphasis on gender-sensitive parliaments as a necessary (if not sufficient) condition of change (5.3).

## 5.1. In the public sector

### *Institutional dimension*

Quota systems are the most effective tools to improve women’s numerical representation in the public sector.<sup>165</sup> Yet, a first observation to make concerns the taking into account of **context vs a ‘one size fits all’ approach**: research on quota systems in 167 countries from 1992 to 2012 has shown that “voluntary political party quotas were more effective in developed countries, while reserved seat quotas were only significant in less developed countries”.<sup>166</sup> A second observation is that **no type of quota is effective on its own** in bringing about the desired result:<sup>167</sup> **ambitious targets, rank order rules** (rules that determine men’s and women’s positions on lists to avoid that

---

<sup>165</sup> Dimitrova-Grajzl, V., & Obasanjo, I., ‘Do parliamentary gender quotas decrease gender inequality? The case of African countries’ (2019) 30 *Constitutional Political Economy* 149.

<sup>166</sup> Rosen, J., ‘Gender Quotas for Women in National Politics: A Comparative Analysis across Development Thresholds’ (2017) 66 *Social Science Research* 82.

<sup>167</sup> Dahrelup, Drude, ‘Women in Decision-Making in Public Life. Types, Usage, and Effects of Temporary Special Measures, Including Gender Quotas’, Expert report for the Expert group meeting of the Sixty-fifth UN Commission on the Status of Women, 5-8 October 2020. EGM/CSW/2021/EP3.



while complying with a target, political parties end up relegating women to unwinnable positions),<sup>168</sup> and **sanctions for non-compliance** (e.g. rejection of the party's list by the electoral authorities) are essential ingredients for quotas to be effective.

In *Belgium*, for example, after an initial decline in the number of women in parliament, the introduction of quotas led to a slow and steady growth of the number of women MPs.<sup>169</sup> Belgium is one of the frontrunners in women's representation in politics, with an increase from 9% in the early 1990s to 41% in 2019.<sup>170</sup> After first introducing electoral quotas in 1994, a constitutional reform in 2022 included a provision on equal access of men and women to both elective and public mandates.<sup>171</sup> The Belgian electoral law stipulates that the difference between the number of men and women on the list cannot be larger than one (quota size). The first two candidates must have different sexes as

---

<sup>168</sup> Bjarnegård, E. and P. Zetterberg, 'Removing Quotas, Maintaining Representation: Overcoming Gender Inequalities in Political Party Recruitment' (2011) 47 *Representation* 187; Esteve-Volart, B., & Bagues, M., 'Are women pawns in the political game? Evidence from elections to the Spanish Senate (2012) 96 *Journal of public Economics* 387; Rosen, J., 'Gender Quotas for Women in National Politics: A Comparative Analysis across Development Thresholds' (2017) 66 *Social Science Research* 82.

<sup>169</sup> Wauters, B., Maddens, B., & Put, G. J., 'It takes time: The long-term effects of gender quota' (2014) 50 *Representation* 143.

<sup>170</sup> European Women's Lobby, 'Taking stock of Women's Representation in Politics Across Europe'. March 2023, p. 38. Available at: [https://womenlobby.org/IMG/pdf/final\\_wip\\_study-3.pdf](https://womenlobby.org/IMG/pdf/final_wip_study-3.pdf)

<sup>171</sup> Article 11bis of the Belgian constitution.

well (placement mandate).<sup>172</sup> Lists that do not meet these criteria are rejected by the head of the electoral board.<sup>173</sup> This rule has been flagged as a particularly effective one for both the **quota size** and the **presence of placement mandates**,<sup>174</sup> but other factors have contributed to this success: consociationalism, and the contagion effect among political parties for setting ambitious voluntary targets.<sup>175</sup>

In *Spain*, **electoral quotas** were first adopted by political parties in the late 1980s. In 2007, the Law on Effective Equality 3/2007 set a minimum of 40% of candidates of the same sex.<sup>176</sup> Several factors made this quota work, such as the presence of sanctions for non-compliance, with electoral lists with less than 40% women not validated by electoral boards. Moreover, the **zipper system** (alternation of women and men throughout the list, also called 'vertical quota') is considered a successful mechanism to ensure adequate balance between men and women in electoral lists.<sup>177</sup> The effectiveness of the Spanish quota system was also supported by other initiatives taken by the political parties themselves through internal regulations.<sup>178</sup>

Conversely, in *Poland*, the absence of a hard quota, such as the zipper system or a guarantee of a specific number of women in the top positions of the list (2/5 or 1/3), impedes the effective implementation of the quota system and hinders the rapid increase in women's representation.

---

<sup>172</sup> Art. 117bis Kieswetboek van 12 april 1894 [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nlandla=Nandcn=1894041230andtable\\_name=wet](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nlandla=Nandcn=1894041230andtable_name=wet). See Kotevska and Pavlou, 'Promotion of gender balance in political decision-making' (n 22 ) 47.

<sup>173</sup> Article 119 quinquies Kieswet van 12 april 1894.

<sup>174</sup> European Women's Lobby, 'Taking stock of Women's Representation' (n 127) 38.

<sup>175</sup> GÓRECKI, M.A. and PIERZGALSKI, M., 'Legislated candidate quotas and women's descriptive representation in preferential voting systems' (2022) 61 *European Journal of Political Research* 154.

<sup>176</sup> Modifying the Organic Law of the General Electoral Regime 5/1985.

<sup>177</sup> See <https://eige.europa.eu/gender-mainstreaming/good-practices/electoral-quotas-work>.

<sup>178</sup> Kotevska and Vera Pavlou, 'Promotion of gender balance in political decision-making' (n 22) p. 113.

Indeed, the effectiveness of quotas is assessed to be only moderate,<sup>179</sup> limited<sup>180</sup> or even lacking, albeit with indirect and long-term effects.<sup>181</sup> The quota system introduced in 2011 establishes that candidate lists for the Sejm (the bicameral Parliament) must comprise at least 35% women and 35% men.<sup>182</sup> If the requirement is not met, the list cannot be registered for election. The quota system also applies to municipal elections. An exemption applies for elections of municipal councils with up to 20000 residents.

**The type of electoral system** is also relevant in the discussion of women's representation. In majoritarian systems (e.g. First Past the Post), the chances of getting elected depend significantly on the constituency in which a candidate is assigned to run. In proportional list systems, success depends on the rank orders on party ballots. For example, the large number of women politicians in *South Africa* is connected to the Proportional Closed List system. The African National Congress (ANC) is the only political party adopting a voluntary quota that uses a zebra list (every second name on the list should be a woman, but only starting from number ten on the list onward). Without the zebra list, there would have been far fewer women. Similarly, in *Spain*, it is argued that proportional representation systems allow political parties to present more gender-balanced lists, "as higher

---

<sup>179</sup> P. Stępień, Gdzie ta równość? Przyglądamy się efektom kwot na listach wyborczych, 2023, <https://mamprawowiedziec.pl/czytelnia/arttykul/gdzie-ta-rownosc-w-dzien-kobiet-przygladamy-sie-efektom-kwot-na-listach-wyborczych>

<sup>180</sup> Adam Gendźwiłł, Maciej A. Górecki, "Paradox of gender quotas": an experiment' (2023) *Journal of Elections, Public Opinion and Parties* 1.

<sup>181</sup> Ł. Wawrowski, '(Un)Effectiveness of Quotas for Women in the Polish Electoral Law Top-down Creation of the Political Recruitment Process vs. the "Will of the People" in a Democratic State' (2021) *32 Studia Politicae Universitatis Silesiensis* 3.

<sup>182</sup> Article 211 (3) Polish law.

district magnitude allows women to be nominated without deposing male candidates".<sup>183</sup> However, because closed-list proportional representation systems allow voters only to choose the party (not the candidate), attention should be paid to the party's candidate selection and the 'strategic discrimination' that takes place at this stage. Strategic discrimination against women affects all parties, and happens regardless of the candidates' political experiences, pointing at the limits of statutory quotas with placement mandates. In *Belgium* (a country with a proportional representation system, but preferential voting), research has shown that all parties with the highest numbers of women in winnable positions have specific gender quotas for the bodies selecting candidates (**gender quotas for selectorates**). Institutionalising procedures for the selection of candidates appears to be instrumental for ensuring the full implementation of gender quotas for lists, with the introduction of gender quotas for selectorates being particularly important.<sup>184</sup>

**Little information is available on the intersectional dimension of quotas, and their impact on groups of women disadvantaged on the basis of multiple personal characteristics (in addition to their sex).** Research points at the relevance of the electoral system, with the proportional representation systems rendering the electoral arena less discriminatory toward younger women.<sup>185</sup> Studies have also focused on the use of **tandem quotas** (the adoption of gender policies alongside minority quotas)<sup>186</sup> and **nested quotas** (quotas that specifically regulate the political inclusion of ethnic minority women).<sup>187</sup> Beyond quotas, the **political parties' practices** matter. Research found that the practices of some party elites in promoting minority women, and the institutionalisation of

---

<sup>183</sup> Tania Verge and Nina Wiesehomeier, 'Parties, Candidates, and Gendered Political Recruitment in Closed-List Proportional Representation Systems: the Case of Spain' (2019) 72 *Political Research Quarterly* 805.

<sup>184</sup> Vandeleene, A., 'Gender quotas and 'women-friendly candidate selection: Evidence from Belgium' (2014) 50 *Representation* 337.

<sup>185</sup> Stockemer, Daniel and Aksel Sundström, 'Quotas, the Electoral System Type and the Election of Young Women' (2020) 28 *Social Politics: International Studies in Gender, State & Society* 1025.

<sup>186</sup> Hughes, Melanie M., 'Intersectionality, Quotas, and Minority Women's Political Representation Worldwide' (2011) 1055 *The American Political Science Review* 604.

<sup>187</sup> Hughes, Melanie M., 'The Combination of Gender and Ethnic Quotas in Electoral Politics', in Ruth Rubio-Marín, and Will Kymlicka (eds), *Gender Parity and Multicultural Feminism: Towards a New Synthesis* (Oxford, 2018; online edn, Oxford Academic, 22 Nov. 2018).

gender and ethnicity (and other inequality grounds) in the formation of the candidates' list, contribute to explaining why minority women's access to politics is easier in some cases.<sup>188</sup>

189

### *Experiential dimension*

**Party ideology** matters for the success of quota systems, but **gendered culture** cuts across political party lines. While research emphasises the relevance of party ideology for the support and implementation of quota systems,<sup>190</sup> it also highlights that gendered culture and gender discrimination are present in all political parties.<sup>191</sup>

**Addressing resistance to quotas** must also be taken into account, as quotas remain a highly controversial policy option in many national societies. This is hardly surprising, since they aim to transform the status quo and, as such, they encounter different forms of resistance in both the public

---

<sup>188</sup> Jenichen, Anne, 'Visible Minority Women in German Politics: Between Discrimination and Targeted Recruitment' (2020) *German Politics* 1; Celis, K., Erzeel, S., Mügge, L., & Damstra, A., 'Quotas and intersectionality: Ethnicity and gender in candidate selection' (2014) 35 *International Political Science Review* 41.

<sup>190</sup> Kjerulf Dubrow, J., 'The importance of party ideology: Explaining parliamentary support for political party gender quotas in Eastern Europe' (2011) 17 *Party Politics* 561; Bick, Naomi, 'Women's Representation and European Green Parties: Unlocking the Connection' (2019) 21 *International Feminist Journal of Politics* 1.

<sup>191</sup> Verge, T., & Wiesehomeier, N., 'Parties, Candidates, and Gendered Political Recruitment in Closed-List Proportional Representation Systems: The Case of Spain' (2019) 72 *Political Research Quarterly* 805; Caravantes, P., 'New versus Old Politics in Podemos: Feminization and Masculinized Party Discourse' (2019) 22 *Men and Masculinities* 465.

and private sectors.<sup>192</sup> Anticipating possible resistance from political parties and businesses, and monitoring political parties and their practices, is needed to avoid the reproduction of gendered norms.<sup>193</sup> Indeed, **political parties' candidate selection process and existing gendered practices** can limit the effective compliance with statutory quotas, as found in research in *Portugal* and *Spain*.<sup>194</sup>

**A parallel use of statutory and party gender quotas** can have a spill-over effect, as was the case in *Belgium* and *Spain*.<sup>195</sup> In Belgium, in 1990, legal measures served as a benchmark for parties attempting to outperform each other in meeting the standard set. At the same time, this competition paved the way for a new law on gender quotas. This mutual contagion effect creates a dynamic that has opened up the political forum to women more than would have been the case, if only statutory quotas were available or if only one political party had voluntarily introduced gender targets. The **parallel use of statutory quotas, operating as a “floor”, and voluntary targets** that go beyond the statutory obligation, incentivise political actors to opt for more far-reaching measures than they otherwise would.

In this regard, **political parties' commitments** have played a key role in boosting women's presence as MPs in different countries, by adopting voluntary gender targets (e.g. Spain, and the UK).<sup>196</sup> For example, in the *UK*,<sup>197</sup> **all-women shortlists** or similar policies in general, local, and European elections were introduced for the first time by the Labour Party in selecting candidates for the 1997 General Election. The policy was temporarily discontinued after a judgment of an

---

<sup>192</sup> Krook, M. L., 'Contesting gender quotas: dynamics of resistance' (2016) 4 *Politics, Groups, and Identities* 268.

<sup>193</sup> Brennan, M., & Buckley, F., 'The Irish legislative gender quota: The first election' (2017) 65 *Administration* 15.

<sup>194</sup> Verge and Wiesehomeier, 'Parties, candidates, and gendered political recruitment' (n 148); Verge, T., 'Interactions between Party and Legislative Quotas: Candidate Selection and Quota Compliance in Portugal and Spain' (2016) 51 *Government and Opposition* 416.

<sup>195</sup> Meier, Petra, 'The Mutual Contagion Effect of Legal and Party Quotas' (2005) 10 *Party Politics* 583; Simón, P., & Verge, T., 'Gender quotas and political representation in Spain and Portugal: Electoral competition, learning and emulation' (2017) 22 *South European Society and Politics* 179.

<sup>196</sup> Verge, T., 'Institutionalising Gender Equality in Spain: From Party Quotas to Electoral Gender Quotas' (2012) 35 *West European Politics* 395.

<sup>197</sup> See also the UK Country Report in Deliverable D2.2: Gendered laws and policies, country reports, pp. 161-162.

employment tribunal deemed it to be in breach of the Sex Discrimination Act 1975.<sup>198</sup> Soon after, the then Labour government enacted the Sex Discrimination (Election Candidates) Act 2002 to allow political parties to use positive action, including all-women shortlists, in the selection of candidates. The Act included a sunset clause with an initial expiration date of 2015, but this has now been extended to the end of 2030 by the Equality Act 2010 (Chapter 15, section 105).<sup>199</sup> Despite criticisms, all-women shortlists have been quite effective in increasing the number of women elected to Parliament and reducing barriers for women.<sup>200</sup>

In *South Africa*, only two parties implemented **voluntary quotas**: the ANC (African National Congress) and the EFF (Economic Freedom Fighters), both with a 50/50 target and zebra system. The target was increased from 30 to 50% in 2009. Despite the constitutional and legislative endorsement of affirmative action<sup>201</sup> since 1994, and the adoption of different policies aimed at promoting equal opportunities in employment, services, and access to resources and political representation with an intersectional perspective, the lack of binding quotas for national and provincial elections poses a challenge for the implementation of such frameworks.

However, as a result of a long political commitment, in the 2019 National and Provincial Elections the ANC had a 51% representation of women in the National Assembly, with the EFF very close at

---

<sup>198</sup> *Jepson and Dyas-Elliott v the Labour Party and others* [1996] IRLR 166.

<sup>199</sup> R. Kelly and I. White, *All Women Shortlists*, Briefing Paper, Number 5057, 7 March 2016, House of Commons Library. Available at: <https://researchbriefings.files.parliament.uk/documents/SN05057/SN05057.pdf>

<sup>200</sup> Bilijana and Pavlou, 'Promotion of gender balance in political decision-making' (n 22) p. 116; Mary K. Nugent, Mona Lena Krook, 'All-Women Shortlists: Myths and Realities' (2016) 69 *Parliamentary Affairs* 115.

<sup>201</sup> The term affirmative action in the South African context is generally equivalent to the term positive action in the context of EU law.

48%.<sup>202</sup> It should be noted, of course, that **voluntary mechanisms depend on the willingness of each political party to adopt them, with differences often based on ideological orientation.**<sup>203</sup> Even in countries like the UK,<sup>204</sup> in which most major political parties endorse policies and practices designed to address gender inequalities in representation,<sup>205</sup> the effectiveness of such policies and practices is often undermined due to structural barriers. A characteristic example is the considerable difference in the gender balance of Labour and Conservative Members of Parliament. Both parties have adopted similar policies to improve women's representation from 2005 onwards (all-women shortlist, A-list etc), but the Conservative party has been far less effective, as their women candidates are consistently nominated in less promising constituencies.<sup>206</sup> Similarly, in *Poland*, the role of political parties matters for the success of electoral quotas, as evidenced by the significant difference in the numbers of women Members of Parliament of different political <sup>207</sup>[[cib](#)]

---

<sup>202</sup> Commission for Gender Equality, 'Current State of Gender Parity in Politics in South Africa'. 30 August 2023. Available at ; Sithembiso Myeni, 'Representation without Participation: Dilemmas of Quotas for Women in Post-apartheid South Africa' (2014) 3 African Journal of Governance and Development, 59. <https://www.elections.org.za/content/Documents/Event-materials/2023-Women-s-Dialogue/CGE-Current-State-of-Gender-Parity-in-Politics/>; Sithembiso Myeni, 'Representation without Participation: Dilemmas of Quotas for Women in Post-apartheid South Africa' (2014) 3 African Journal of Governance and Development, 59.

<sup>203</sup> Elise Uberoi, Zoe Mansfield, Carl Baker, Paul Bolton, Shadi Danechi and Esme Kirk-Wade, 'Women in Politics and Public Life'. 6 March 2023. House of Commons Library. Available at: <https://commonslibrary.parliament.uk/research-briefings/sn01250/>; Högström, J., 'The Effect of Gender Quotas in the First Decade of the Twenty-First Century: A Global Comparison' (2016) 15 Comparative Sociology 179; Gwiazda, A., 'Women in Parliament: Assessing the Effectiveness of Gender Quotas in Poland, (2017) 23 Journal of Legislative Studies 326.

<sup>204</sup> See also See also the UK Country Report in Deliverable D2.2: Gendered laws and policies, country reports, pp. 164-165.

<sup>205</sup> R. Kelly and I. White, "All Women Shortlists", House of Commons Briefing Paper, 5057, 7 March 2016, pp. 15 et seq.

<sup>206</sup> Wäckerle, J. (2022). Parity or patriarchy? The nomination of female candidates in British politics. *Party Politics*, 28(1), 10-23. <https://doi.org/10.1177/1354068820977242>

<sup>207</sup> Gwiazda, 'Women in Parliament' (n 158). .



**Voluntary quotas adopted by the executive are also contingent on the initiative of each government.** In the *Netherlands*, gender balance on government was reached in 2021,<sup>208</sup> following the initiative of the prime minister Mark Rutte. Similarly, in *South Africa*, gender balance in government was first achieved in 2019, following a decision of the president, Cyril Ramaphosa.<sup>209</sup>

**Incentives** could also be introduced to encourage political parties to recruit and nominate women and ensure **equal opportunities in accessing funding** and campaigns that raise awareness.<sup>210</sup> One example is making access to public funding conditional on apportioning funds to women candidates or on earmarking public funds for gender equality initiatives.<sup>211</sup>

### *Symbolical dimension*

Quotas are generally a divisive topic that often stirs conflict in the public discourse. As such, introducing a quota system may not be sufficient to achieve transformation, if not accompanied by awareness-raising actions aimed to change the way quotas are represented in public discourse. Tormos and Verge<sup>212</sup> suggested that **public support for quotas could be shaped** by using

---

<sup>208</sup>[https://www.parlement.com/id/vlp6ldfx13o0/samenstelling\\_kabinet\\_rutte\\_iv?totaal=1](https://www.parlement.com/id/vlp6ldfx13o0/samenstelling_kabinet_rutte_iv?totaal=1)

<https://www.brusselstimes.com/133793/10-men-10-women-belgiums-new-government-is-more-female-than-ever>

<sup>209</sup> <https://edition.cnn.com/2019/05/30/africa/south-africa-gender-balanced-cabinet-intl/index.html>

<sup>210</sup> Inter-Parliamentary Union, 'Supporting Gender-Sensitive Parliaments' (n 101) p. 5.

<sup>211</sup> UN Commission on the Status of Women, 'Women's full and effective participation and decision-making in public life' (n 13) p. 15.

<sup>212</sup> Verge, T., & Tormos, R., 'Shaping support for public policies: legitimacy cues and question wording effects in the case of gender quotas (2023) 33 Journal of Elections, Public Opinion and Parties 137.

legitimacy cues and question-wording, as a way to dismantle the negative perception of quotas that generates social resistance to their use. Murray also suggested a different approach to quotas and proposed to rephrase the issue into **ceiling quotas for men**, therefore, **shifting the focus from women's underrepresentation to men's privileged status**.<sup>213</sup>

An important part of the public discourse involves perceptions around what quotas can actually achieve. The **effectiveness** of policies and initiatives to address gender inequalities is usually measured against the backdrop of data directly related to the outcome(s). For instance, as in other countries, there is strong evidence from the literature in the UK<sup>214</sup> to suggest that there is a link between the increase in the numbers of women's MPs and the use of positive action in the selection of party candidates,<sup>215</sup> based on the numbers of elected MPs in general elections.<sup>216</sup> But while quota systems have helped increase the numbers of women in parliament and in government positions in many countries, this increase in numerical representation has not in and of itself eradicated gender stereotypes and traditional social beliefs and attitudes toward women and especially women in leadership positions.<sup>217</sup> Still, making women leaders visible has very important consequences on a symbolical level.

The impact of **role modelling** on women's representation in both the private and public sectors is a significant area of research, underscoring the importance of visible female leaders in breaking down gender barriers and fostering an environment of equality. Role models serve as **tangible evidence that success is attainable**, regardless of gender, providing inspiration and a roadmap for aspiring female professionals and public servants. According to Lockwood,<sup>218</sup> the presence of female role models in leadership positions is positively correlated with women's ambitions to pursue leadership roles themselves. This effect is particularly pronounced in **traditionally male-dominated**

---

<sup>213</sup> Murray, R., 'Quotas for men: Reframing gender quotas as a means of improving representation for all' (2014) 108 *American Political Science Review* 520.

<sup>214</sup> See also the UK Country Report in Deliverable D2.2: Gendered laws and policies, country reports, p. 162.

<sup>215</sup> Sarah Childs (ed), *Women and British Party Politics*, 2008, p. 134; Dennis Kavanagh and David Butler, *The British General Election of 2005*, 2005, p. 153.

<sup>216</sup> See also [https://www.instituteforgovernment.org.uk/explainer/gender-balance-politics#footnoteref14\\_7fzkkfp](https://www.instituteforgovernment.org.uk/explainer/gender-balance-politics#footnoteref14_7fzkkfp)

<sup>217</sup> See, for instance, the account of Jacqui Smith in the UK Country Report in Deliverable D2.2: Gendered laws and policies, country reports, p. 165.

<sup>218</sup> Lockwood, P., 'Someone like me can be successful': Do college students need same-gender role models?' (2006) 30 *Psychology of Women Quarterly* 36.

**industries**, where the visibility of women in high-ranking positions can challenge stereotypes and alter perceptions about gender roles.<sup>219</sup>

The same is true about women leaders in the public sphere, especially when it comes to trailblazers that break into a hitherto male dominated field of power. In this context, the symbolic representation of women politicians in the media may shape the public perception of their presence and actions.<sup>220</sup> Among other tools, political cartoons may also play a role in assigning social meanings about women in politics, by rejecting or (re)creating gendered social constructions about women's and men's leadership qualities and their capacity to rule.<sup>221</sup>

Furthermore, the **theory of social learning**<sup>222</sup> suggests that individuals learn and adopt behaviours by observing others, highlighting the transformative power of role models in shaping career aspirations and attitudes towards leadership among women. In sectors where women are underrepresented, the existence of female role models not only motivates women, but also contributes to a culture shift that values diversity and inclusivity. This shift can lead to enhanced policies and practices that support the recruitment, retention, and advancement of women, **thereby gradually increasing representation.**<sup>223</sup>

---

<sup>219</sup> Dasgupta, N., & Asgari, S., 'Seeing is believing: Exposure to counterstereotypic women leaders and its effect on the malleability of automatic gender stereotyping' (2004) 40 *Journal of Experimental Social Psychology* 642.

<sup>220</sup> Karen Ross, *Gendered Media: Women, Men and Identity Politics* (Rowman & Littlefield, 2010).

<sup>221</sup> Raquel Pastor and Tània Verge, 'The symbolic representation of women's political firsts in editorial cartoons' (2022) *Feminist Media Studies*, 22:6, 1379-1394.

<sup>222</sup> Bandura, A., *Social learning theory* (Prentice Hall 1977).

<sup>223</sup> Eagly, A. H., & Carli, L. L., *Through the labyrinth: The truth about how women become leaders* (Harvard Business School Press 2007).

## 5.2 In the private sector

### *Institutional dimension*

Similar to the public sector, **compliance and enforcement rules are essential for the effectiveness of quota systems in the private sector**. Araujo<sup>224</sup> noted the failure of quotas in Brazil due to vague regulations and lack of sanctions. This is contrasted with hard quotas, which, according to Humbert et al.<sup>225</sup> are more effective, especially when combined with a higher level of gender equality as a starting point. In Europe, as explained, there is considerable divergence of regulatory approaches among EU Member States, with hard(er) and soft(er) sets of rules to achieve gender balance in leadership and decision-making positions both in terms of the targets they set and in terms of whether they include sanctions for non-compliance.<sup>226</sup>

In *Belgium*, for example, **binding quotas for companies with sanctions for non-compliance** were introduced in 2011. This quota system requires Belgian companies to have at least a third of women or men on their boards. Companies covered are autonomous public companies, the National Lottery, and private companies listed on the stock exchange. The sanction for non-compliance is nullity of the appointment (state-owned companies) or suspension of the benefits – financial or otherwise – for the board members suspended until the composition is changed following the quota (for listed companies).<sup>227</sup> A study by the Belgian Institute for Equality between Men and Women found that the quota has been effective in producing a significant increase in the proportion of women on boards of directors. Between 2008 and 2020, the figure has quadrupled, moving from 8.2% to 34.1%.<sup>228</sup> However, the quota does not apply to executive committees, where figures remain quite

---

<sup>224</sup> Araujo, C., 'The Limits of women's quotas in Brazil' (2010) 41 *Ids Bulletin* 17.

<sup>225</sup> Humbert, A. L., Kelan, E., & Van den Brink, M., 'The perils of gender beliefs for men leaders as change agents for gender equality' (2019) 16 *European Management Review* 1143.

<sup>226</sup> For a detailed analysis of the EU-27 legal regimes regarding gender balance on company boards see Linda Senden and Sonja Kruisinga, 'Gender-balanced company boards in Europe: A comparative analysis of the regulatory, policy and enforcement approaches in the EU and EEA Member States' (European Equality Law Network – Luxembourg: Publications Office of the European Union, 2018).

<sup>227</sup> [Wet quota BG ondernemingen.pdf \(belgium.be\)](#), arts 2 and 4.

<sup>228</sup> Institute pour l'Égalité des Femmes et des Hommes, 'Quatrième Bilan De La Loi Du 28 Juillet 2011 Relative Aux Quotas De Genre Dans Les Conseils D'administration' (period 2008-2020) <https://news.belgium.be/sites/default/files/news-items/attachments/2022-06/Quatri%C3%A8me%20bilan%20de%20la%20loi%20quota.pdf>

low. In the *Netherlands*, after a decade with a non-binding target in place, a **binding quota of 30% of supervisory** board members was introduced in January 2022. The quota is applicable to approximately 100 listed companies. Non-compliance leads to nullity of the appointment but does not affect board decisions made during incompliance.<sup>229</sup> Other large companies have an obligation to set suitable and ambitious targets for their executive board, supervisory board and 'senior management' (not defined by the law).<sup>230</sup>

Other countries foresee **soft quotas or targets set up by corporate codes of conduct**. Voluntary quota systems tend to work when incentives are in place. In *Spain*, for example a soft quota system was introduced by Law 3/2007 on Effective Equality, which states that companies that are under an obligation to submit a non-abbreviated profit and loss account will have to include on their company board enough women to allow them to achieve a balanced composition of women and men within a period of eight years from the date of entry into force of the Law (at least 40 % women). The deadline for this was March 2015 and the objective was not reached. However, between 2007 and 2018, women's participation on company boards increased significantly.<sup>231</sup> While the Law 3/2007 provides an incentive for quota compliant firms, namely the possibility that they are given **preference for the tendering of public contracts**, a study from 2005 to 2014 observed that less than nine percent of targeted firms complied with the quota. Companies who did comply were not prioritised in the awarding of public contracts, thus signalling the lack of commitment on the part of the government. Research pointed to the need to introduce binding quotas, strengthen work-life balance, and build coordinated efforts among advocates for gender equality, including male leaders.<sup>232</sup>

---

<sup>229</sup> Art. 2:142 b BW, [Staatsblad 2021, 495 | Overheid.nl > Officiële bekendmakingen \(officielebekendmakingen.nl\)](#)

<sup>230</sup> Art. 2:276 BW.

<sup>231</sup> Dolores Morondo Taramundi, Country report on Gender Equality – Spain (European Equality Law Network, 2022) p. 88.

<sup>232</sup> Ruth Mateos de Cabo, Siri Terjesen, Lorenzo Escort, Ricardo Gimeno, 'Do 'soft law' board gender quotas work? Evidence from a natural experiment' (2019) 37 *European Management Journal* 611.

In *South Africa*, a **system of targets for company boards and top management positions is in place, which also addresses intersectional discrimination**. The Broad-Based Black Economic Empowerment Act adopted in 2003 (B-BBEE 2003), and amended in 2013, aims to promote the economic empowerment of Black women and men.<sup>233</sup> Targets are set to 60% Black representation at the top management, where the share of Black women should be 40% of all Black senior managers. Research findings show that the policy was effective in increasing the representation of women at the top, as the share of Black women in top management positions increased from 18% in 2003 to 37% in 2015 as a share of all Black senior managers. No sanctions are set for firms who do not achieve the targets, but the government introduced an incentive for firms to comply with the policy, giving them **preferential treatment in contract awarding, tax incentives** for employers who hire young and inexperienced workers as well as SETA (Sector Education and Training Authority) Grants & Socio-Economic Development contributions. Over time failure to achieve the targets can have consequential effects for the business and lead to its closure (indirectly). But only large firms, with turnover exceeding 10 million, have to comply with the policy. This opens up an opportunity for exploring the group-specific policy effects attributable to the BEE.<sup>234</sup>

In the *UK*, a **voluntary, business-led targets system** has been set up and achieved good results in increasing women's presence on company boards, executive committee and direct reports. In the last FTSE Women Leaders Review of 2023,<sup>235</sup> it appears that the FTSE 100 companies have made steady progress, with the number of women in the Combined Executive Committee & Direct Reports increasing to 34.3%, up from 32.5% in 2022. The appointment rate of women increased, with 41% of all available roles going to women, and a reduction in the overall population of Executive Committee and Direct Reports in 2022. The FTSE 250 has also made good progress, increasing the number of women to 33% (30.7% in 2022). In the FTSE 250 Executive Committees the number stands at 27%. As to women on boards, the FTSE 350 has met the 40% voluntary target, three years ahead of the end date (2025). It has been argued that **reducing the board size** is effective in increasing women's representation.<sup>236</sup> Analysing data from 2012/13 and 2013/14, the Equality and human rights Committee found that among the 150 firms that took actions to improve women's

---

<sup>233</sup> In 2013 an amendment was introduced, through the Broad-Based Black Economic Empowerment Amendment Act, 2013 (Act No. 46 of 2013). This led to amendments to the Preferential Procurement Regulations to align them with the B-BBEE Codes of Good Practice.

<sup>234</sup> Klasen, S. and Minasyan, A., 'Affirmative Action and Intersectionality at the Top: Evidence from South Africa' (2021) 60 *Ind Relat* 3.

<sup>235</sup> FTSE Women Leaders Review, 'Achieving Gender Balance' (2024). Available at: <https://ftsewomenleaders.com/wp-content/uploads/2024/02/ftse-women-leaders-report-feb-2024.pdf>

<sup>236</sup> Equality and Human Rights Committee (2016), 'An inquiry into fairness transparency and diversity in FTSE 350 Board appointments', p. 26. Available at: [https://www.equalityhumanrights.com/sites/default/files/ehrc\\_inquiry\\_ftd\\_ftse350\\_updated\\_22-4-16.pdf](https://www.equalityhumanrights.com/sites/default/files/ehrc_inquiry_ftd_ftse350_updated_22-4-16.pdf)

representation, 31% has done so by reducing their board size; 38% by making appointments of women; and 31% both by making appointments of women and reducing the board size.

In *Poland*, the government is preparing for the implementation of Directive 2022/2381.<sup>237</sup> The existing instruments and good practices are the result of a bottom-up initiative by NGOs and employers. Companies listed on the Warsaw Stock Exchange in Poland are subject to a 30% target (members of the management board or the supervisory board).<sup>238</sup> The target system does not foresee sanctions for non-compliance. The Stock Exchange publishes reports on women's participation in companies. The most recent data on compliance cover the period up to 2019 and it appears that the number of women in management and supervisory boards is increasing.<sup>239</sup> No research has been carried out yet on the Good Practice Resolution 2021.

### *Experiential dimension*

Whether and to what extent **gender quotas** deliver on the promise to increase equality outcomes without costs in business performance must be measured against **firm outcomes**. Studies show varied results of gender quotas on firm performance across different regions. In Europe, Binder<sup>240</sup>

---

<sup>237</sup> Springer and Herbet (2022). Available at: <https://www.rp.pl/abc-firmy/art37656201-parytety-we-wladzach-spolek-nie-tak-szybko-i-nie-wiadomo-jak-je-wprowadzic>

<sup>238</sup> Resolution No. 13/1834/2021 of the Supervisory Board of the Warsaw Stock Exchange (29.03. 2021). Regarding the adoption of "Best Practices for Companies Listed on the WSE 2021".

<sup>239</sup> See <https://cfapoland.org/application/media/images/Arts/CFA-SP-Udzial-kobiet-we-wladzach-a-efektywnosc-spolek.pdf>; Aluchna, M., Kuszewski, 'T. Responses to corporate governance code: evidence from a longitudinal study' (2022) 16 *Rev Manag Sci* 1945.

<sup>240</sup> Binder, B. C., 'Does a high women quota in supervisory boards influence firm success?' (2018) 13 *EuroMed Journal of Business* 291.

identified a weak correlation between gender diversity and economic performance, whereas in Norway, Bøhren and Staubo<sup>241</sup> observed a decrease in firm value with more independent advisors. Conversely, Italy experienced a positive impact on productivity<sup>242</sup>, and firms in the US and Europe showed more sustainable behaviour.<sup>243</sup> The implementation of quotas for gender diversity within firms has emerged as a significant catalyst for enhancing Environmental, Social, and Governance (ESG) outcomes. Academic literature increasingly supports the notion that gender-diverse boards and leadership teams contribute positively to a firm's ESG performance. For instance, Post and Byron<sup>244</sup> suggest that gender diversity in leadership positions is associated with better environmental stewardship, reflecting a broader understanding and commitment to ESG principles. Similarly, Glass and Cook<sup>245</sup> find that firms with higher levels of gender diversity are more likely to adopt socially responsible practices and exhibit stronger governance mechanisms. Diverse teams bring a variety of perspectives, experiences, and problem-solving approaches, which can foster greater creativity and innovation within firms. This diversity of thought can lead to the development of new products, services, and business processes<sup>246</sup>.

Empirical studies<sup>247</sup> have shown that companies with **more women in executive positions tend to outperform those with fewer female leaders**, suggesting that increasing women's representation in leadership roles can have tangible benefits for organisations across sectors. In the context of Spain specifically, **Ana Patricia Botín** constitutes an interesting role model. As the Executive Chairman of Banco Santander, one of Europe's largest banks, Botín has demonstrated remarkable skills in the financial sectors but has also actively advocated for gender diversity and inclusion in

---

<sup>241</sup> Bøhren, Ø., & Staubo, S., 'Mandatory gender balance and board independence' (2016) 22 *European Financial Management* 3.

<sup>242</sup> Comi, S., Grasseni, M., Origo, F., & Pagani, L., 'Where women make a difference: gender quotas and firms' performance in three European countries, (2020) 73 *ILR Review* 768.

<sup>243</sup> Martínez, M. D. C. V., Santos-Jaén, J. M., Román, R. S., & Martín-Cervantes, P. A., 'Are gender and cultural diversities on board related to corporate CO2 emissions?' (2022) 363 *Journal of Cleaner Production* 132638.

<sup>244</sup> Post, C., & Byron, K., 'Women on boards and firm environmental performance: Exploring the mediating role of corporate strategy and the moderating role of the country's environmental consciousness' (2015) 60 *Administrative Science Quarterly* 482.

<sup>245</sup> Glass, C., & Cook, A., 'Leading at the top: Understanding women's challenges above the glass ceiling' (2016) 27 *Leadership Quarterly* 51.

<sup>246</sup> Miller, T., & Triana, M. del C., 'Demographic Diversity in the Boardroom: Mediators of the Board Diversity-Firm Performance Relationship' (2009) 46 *Journal of Management Studies* 755.

<sup>247</sup> Catalyst. (2011). *The bottom line: Corporate performance and women's representation on boards (2004–2008)*. [https://www.catalyst.org/wpcontent/uploads/2019/01/The\\_Bottom\\_Line\\_Corporate\\_Performance\\_and\\_Womens\\_Representation\\_on\\_Boards.pdf](https://www.catalyst.org/wpcontent/uploads/2019/01/The_Bottom_Line_Corporate_Performance_and_Womens_Representation_on_Boards.pdf)



corporate leadership. Under her guidance, Santander has been recognised for its commitment to **advancing women in leadership**, showcasing the critical role of female executives in inspiring change and championing gender equality in traditionally male-dominated industries. Her influence extends beyond her own boardroom, encouraging aspiring female leaders across Spain and globally to pursue careers in finance and leadership roles.

Closely connected to this latter point about the importance of role models and the need for active encouragement of women to pursue their leadership ambitions is the need to **close the network gap**. The introduction of binding quotas effectively closes the network gap, reducing unconscious bias in networking.<sup>248</sup> This change in networking dynamics is crucial for fostering more inclusive corporate cultures, which will result not only in a more gender balanced leadership structure, but also in business-related benefits stemming from the diversity of thinking, skills, and talents. It is, however, important to measure carefully the actual effects of such policies on the ground. Research, for instance, suggests that the Norwegian gender quota system for company CEOs and directors had an overall positive effect,<sup>249</sup> but appears to have created the phenomenon of 'golden skirts', namely the equivalent of an 'old-boys network' with a small number of influential women taking up multiple board directorships.<sup>250</sup> The opposite side of this coin is a concern with the **actual roles** within the company that **women** have access to as a result of the quota. In Italian banks, for instance,

---

<sup>248</sup> Burzynska, K., & Contreras, G., 'Affirmative action programs and network benefits in the number of board positions' (2020) 15 PLoS ONE e0236721.

<sup>249</sup> Ming Zhuwang and Elizabeth Kelan, 'The Gender Quota and Female Leadership: Effects of the Norwegian Gender Quota on Board Chairs and CEOs' (2013), 117 Journal of Business Ethics, 449-466.

<sup>250</sup> Reidar Øystein Strøm, 'The Norwegian Gender Balance Law: A Reform that Failed?' (2019) 4(1) Annals of Corporate Governance, 1-86.

women are more prevalent in audit boards but less so in executive positions,<sup>251</sup> indicating a need to measure the success of the quota not just *quantitatively* (in numerical terms) but also *qualitatively* (in terms of the impact of the quota on internal power structures).

### ***Symbolical dimension***

**Public perceptions**, as shaped by **cultural factors**, play a significant role in the success of quota systems. Public support for quotas varies, with Möhring and Teney<sup>252</sup> finding that endorsement is low in countries with high levels of formal gender equality but higher in countries where interventionist policies are accepted. This suggests an ambiguous and often reciprocal relationship between support for quotas and actual gender equality in a country. The relation is reciprocal in that cultural norms and perceptions may influence a society's attitude towards quotas, but the adoption of quotas carries a symbolical value that may exert an influence on and eventually transform cultural norms and perceptions. The impact of a decision to introduce gender quotas, therefore, extends beyond corporate boundaries, as it signals a broader societal commitment to transformative gender equality. In line with this Cabeza-García et al.<sup>253</sup> highlight that gender diversity is more effectively triggered by positive laws rather than soft recommendations. The comparison between Norway's hard quotas and New Zealand's soft approach<sup>254</sup> further illustrates how cultural factors influence the acceptance and success of these measures.

## **5.3 Beyond the public / private sector dichotomy: Institutional infrastructure and gender-sensitive parliaments**

What has been established so far is that gender quotas have a clear potential of achieving transformative results both in the public and in the private sector, especially if they are supported by satellite policies. It is important to add, however, that the basis of true and lasting transformation is an institutional infrastructure that cuts across the public / private sector dichotomy and operates as a minimum common denominator. Two are the main building blocks of this infrastructure: First,

---

<sup>251</sup> De Vita, L., & Magliocco, A., 'Effects of gender quotas in Italy: a first impact assessment in the Italian banking sector' (2018) 38 *International Journal of Sociology and Social Policy* 673.

<sup>252</sup> Möhring, K., & Teney, C., 'Equality prescribed? Contextual determinants of citizens' support for gender boardroom quotas across Europe' (2020) 18 *Comparative European Politics* 560.

<sup>253</sup> Cabeza-García, L., Del Brio, E. B., & Rueda, C., 'Legal and cultural factors as catalysts for promoting women in the boardroom' (2019) 22 *BRQ Business Research Quarterly* 56.

<sup>254</sup> Casey, C., Skibnes, R., & Pringle, J. K., 'Gender equality and corporate governance: Policy strategies in Norway and New Zealand' (2011) 18 *Gender, Work & Organization* 613.

institutions that have the authority to actively promote gender equality across the public and private sectors. Second, gender sensitive parliaments as a necessary, even if not sufficient, condition for enhancing women's representation in leadership and decision-making with an institutional, symbolic, and experiential impact.

### ***Institutional dimension: Gender equality institutions and cross-cutting policies***

Having in place an organisational structure responsible for promoting gender equality at both the public institutional level, as well as in the private sector, is also a key factor in supporting the effective implementation of quotas.

**In Poland, the equal treatment coordinators** are tasked with the promotion of the principle of equal treatment, providing information on compliance with this principle and collaborating with governmental and non-governmental organisations involved in gender equality tasks. The presence of these coordinators in the ministries, Chancellery of the Prime Minister, and the Central Statistical Office have the potential to improve gender balance in the long run.<sup>255</sup> Moreover, in December 2023, a **Minister for Equal Treatment** was appointed for the first time to lead the relevant cabinet portfolio.<sup>256</sup> Previously, the portfolio was looked after by the Government Plenipotentiary for Equal Treatment, who sat under the Ministry of Family and Social Policy.

In **South Africa**, the **Commission for Gender Equality (CGE)**, an independent statutory body established in terms of Chapter 9 of the Constitution of the Republic of South Africa, 108 of 1996, is charged with the promotion, protection, monitoring and evaluation of gender equality through

---

<sup>255</sup> Kotevska and Pavlou, 'Promotion of gender balance in political decision-making' (n 22) p. 119.

<sup>256</sup><https://businessinsider.com.pl/gospodarka/czym-zajmie-sie-minister-ds-rownosci-w-hiszpaii-wprowadzila-szereg-kontrowersyjnych/wvjmt42>

research, public education, policy development, legislative initiatives, effective monitoring and litigation. The CGE's functions include: **monitoring and evaluating the policies and practices of government, the private sector and other organisations** to ensure that they promote and protect gender equality; public education and information; reviewing existing and upcoming legislation from a gender perspective; investigating inequality; commissioning research and making recommendations to Parliament or other authorities; investigating complaints on any gender-related issue; and monitoring/reporting on compliance with international conventions.

Additionally, the **Department of Women, Youth and Persons with Disabilities** leads on socio-economic transformation and implementation of the empowerment and participation of women, youth and persons with disabilities through mainstreaming, advocacy, monitoring and evaluation. The vision of the Department is of a transformed, inclusive society free from all forms of discrimination and capable of self-actualisation. Its mission is to provide strategic leadership, advocacy and coordination to government departments and the country on mainstreaming socio-economic empowerment of women, youth and persons with disabilities. The Department's values are tolerance and respect in the workplace, professionalism, continuous learning, integrity, caring, accountability, inclusivity and empowerment.

**Spanish legislation has also introduced compulsory gender equality plans for companies (GEP)**, a measure that has been found to be a potential good practice.<sup>257</sup> Equality plans impose an obligation on companies to carry out a diagnosis to assess several dimensions of gender equality in their organisation and set up measures to address them. Women's under-representation is among the issues that companies should monitor and address through their plans. Incentives have been set up to support companies in the development of these plans. Plans are submitted to mandatory registration, and non-compliance with the GEP can lead to exclusion from public procurement and discontinuation of public subsidies. Since the new rules have entered into force quite recently (January 2021), no research on their effectiveness has been carried out yet.

---

<sup>257</sup> Royal Decree 901/2020, regulating equality plans for companies and their registration, amending Royal Decree 713/2010 of 28 May 2010, on the registration and deposit of collective agreements and labour agreements (*Real Decreto-ley 901/2020 por el que se regulan los planes de igualdad y su registro y se modifica el Real Decreto 713/2010, de 28 de mayo, sobre registro y depósito de convenios y acuerdos colectivos de trabajo*), 13 October 2020, [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2020-12214](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-12214).

## 5.4 Institutional, symbolical, and experiential dimension: Gender-sensitive parliaments as the springboard for transformation

**The concept of gender-sensitive parliaments is based** on Inter-Parliamentary Union's research carried out in 2010.<sup>258</sup> A gender sensitive parliament is 'one which responds to the needs and interests of both women and men in its composition, structure, operations, methods and work'. The **access to parliament** is only one aspect of creating more gender-sensitive parliaments. In gender-sensitive parliaments women should also be equally able to **influence the work** of the parliament and the interests and concerns of women should be on the parliament's agenda. Also, the parliament should create **gender-sensitive legislation** and should comply with the **symbolic function**, for example by having an inhouse daycare and by systematically disseminating information on gender.<sup>259</sup>

**In the UK**, for example, in 2018 the Parliament (House of Commons and House of Lords) established an audit panel to carry out a gender-sensitive parliament audit.<sup>260</sup> Based on the resulting Report,

---

<sup>258</sup> Inter-Parliamentary Union (IPU) (2010), 'Gender-sensitive parliaments. A Global review of good practice'. Available at: <https://www.ipu.org/file/2085/download>

<sup>259</sup> European Gender Equality Institute (EIGE), Gender equality in national parliaments across the EU and the European Parliament (Publications Office of the European Union 2019).

<sup>260</sup> UK Gender Sensitive Parliament Audit 2018, Report of the gender-sensitive Parliament audit panel to the House of Commons Commission and the House of Lords Commission, 26 November 2018 (available at: [chrome-extension://efaidnbnmnncbjpcglclefindmkaj/https://www.parliament.uk/globalassets/documents/lords-information-office/uk-parliament\\_-gender-sensitive-parliament-audit\\_report\\_digital.pdf](chrome-extension://efaidnbnmnncbjpcglclefindmkaj/https://www.parliament.uk/globalassets/documents/lords-information-office/uk-parliament_-gender-sensitive-parliament-audit_report_digital.pdf)).

both Houses introduced measures in order to, amongst others, better **reconcile parliamentary work with parenthood and care-giving**.<sup>261</sup> For example, a **proxy voting scheme** was introduced in 2020 (after a 1-year pilot) for Members of Parliament who are away from Parliament because of childbirth or care of an infant or newly adopted child or where there had been complications relating to childbirth.<sup>262</sup> In November 2019, Stella Creasy became the first MP to appoint a locum for her maternity cover.<sup>263</sup> This has led to the enactment of the Ministerial and other Maternity Allowances Act 2021,<sup>264</sup> which allows government ministers and members of the opposition to take up to 6 months of maternity leave at full pay. There have also been changes to the House of Commons **sitting hours** in order to allow for a better work-life balance of Members of Parliament.<sup>265</sup> An **on-site nursery** has been set up since 2010.<sup>266</sup>

In Spain, similar initiatives have been introduced at political party level. **The political parties gender action plans** were voluntarily introduced by three Spanish left-wing parties in the 2000s. Gender action plans include measures that tackle women's numerical representation, party policy (both in terms of content and in terms of adoption process), and organisational arrangements. Measures include work-life balance improvements, such as the provision of **childcare during meetings, fixing the start and end times of meetings and rotating participation in public events**,<sup>267</sup> or measures like the **dual presidency, detailed recruitment guidelines** to increase women's presence at all levels of the party structure, **workshops on new masculinities** to promote men's presence in

---

<sup>261</sup> OECD (2023), 'Toolkit for Mainstreaming and Implementing Gender Equality 2023 - Gender-sensitive practices in parliaments' p. 103 ([Gender-sensitive practices in parliaments | READ online \(oecd-ilibrary.org\)](https://www.oecd-ilibrary.org/governance/gender-sensitive-practices-in-parliaments))

<sup>262</sup> Richard Kelly, 'Proxy voting in division in the House', Research briefing n. 8359, House of Commons Library, 23 September 2020. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-8359/>

<sup>263</sup> Jack Pannell and Finn Backer, 'Gender balance in politics', Institute for Government, 7 May 2021. Available at: <https://www.instituteforgovernment.org.uk/explainer/gender-balance-politics>

<sup>264</sup> UK Ministerial and other Maternity Allowances Act 2021. Available at: <https://www.legislation.gov.uk/ukpga/2021/5/contents/enacted>

<sup>265</sup> House of Commons Staff Handbook, 'Working Hours and Patterns, Time Recording and Flexitime. Last Updated in May 2023. Available at: <https://www.parliament.uk/globalassets/chapter-11-final-may-2023.pdf>

<sup>266</sup> Kotevska and Pavlou, 'Promotion of gender balance in political decision-making' (n 22) p. 118.

<sup>267</sup> Tânia Verge 'Political party gender action plans: Pushing gender change forward beyond quotas' (2020) 26 Party Politics 238, 241.

traditionally feminised portfolios, specific **training to all party members** etc. More efforts need to be done in implementation, resource allocation, monitoring and evaluation of the plans.

At the experiential level, it is also important to **address violence against female politicians** in all its forms, a phenomenon that may prevent them from engaging in politics. UN Women and the UNDP developed a list of actions for the prevention and eradication of violence against women in elections. These actions include **mapping and measuring violence**; integrating VAW in Election Observation and Violence Monitoring; introduce **legal and policy reform** to address violence (protocols, codes of conduct); set up **electoral arrangements** to prevent and address violence; work with political parties for prevention; and raise awareness to change gender norms.<sup>268</sup>

After elections, perpetrators of violence against women may keep targeting female politicians, and particularly those who speak up about gender issues. **In the UK Parliament, the independent Complaints and Grievance Scheme** was introduced to address inappropriate behaviour including harassment and sexual harassment. The sanctions are decided by an independent expert panel established in 2020 and cannot be amended or rejected by the Parliament without a previous debate. This measure has been considered as a significant step in the right direction by the Women and Equalities Committee.<sup>269</sup>

---

<sup>268</sup> UN Women and UNDP, 'Preventing violence against women in elections' (2017) <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2017/Preventing-VAW-in-elections-en.PDF>. See also Elin Bjarnegard and Per Zetterberg, *Gender and Violence against Political Actors* (Temple Press 2023).

<sup>269</sup> Kotevska and Pavlou, 'Promotion of gender balance in political decision-making', p. 119.

## 6. Conclusions

In conclusion, this paper provides a critical examination of the persistent underrepresentation of women in leadership roles within both the public and private sectors. Through a comprehensive analysis of quantitative and qualitative data, the paper highlights the multifaceted nature of gender disparities, deeply entrenched in societal norms and gender biases, which extend beyond mere numerical underrepresentation. This entrenchment in the deep structures of organisations and institutions generates resistance to transformative equality strategies<sup>270</sup> and is the key challenge for and core target of the RE-WIRING TEA.

The establishment of benchmarks for an effective transformative equality strategy in the domain of women's representation in decision-making and leadership is a pivotal contribution of this paper. It underscores the necessity of a holistic approach that encompasses not only the implementation of institutional measures, such as gender quotas, but also the fostering of inclusive policy-making processes and the dismantling of systemic gender power hierarchies. With a view to this, it has considered different types of measures and focal areas that should be part of such a strategy, including satellite measures that indirectly strengthen the transformative capacity of quotas and other positive action measures. The transformative equality and effectiveness potential has been scrutinised more specifically as regards the use of quota for enhancing women's representation in leadership positions, given the strong empirical evidence suggesting that quotas have a prominent role to play in closing the leadership gender gap both in the public sphere and in the private sector.

In the public sphere, women's underrepresentation in political offices and decision-making positions limits the diversity of perspectives in governance and policy-making processes. To remedy this, we advocate for the implementation of gender quotas in political parties and electoral lists as a temporary measure to accelerate women's political representation. Additionally, policies aimed at reducing the gender pay gap, providing parental leave, and ensuring flexible work arrangements can remove some of the systemic barriers that women face in pursuing careers in the public service.

In the private sector, our study highlights the need for corporate policies and practices that promote gender diversity at all levels of leadership. Companies should be encouraged to adopt transparent recruitment and promotion processes, establish mentorship programs for women, and foster inclusive workplace cultures that value diversity and equality. Moreover, the adoption of corporate governance codes that include gender diversity criteria could incentivise businesses to prioritise women's representation in their boards and senior management teams.

In addition to these policies and measures, what is needed is a **basic institutional infrastructure** that transcends the public / private sector dichotomy and empowers organisations or bodies to monitor and actively pursue the implementation of gender equality goals. This basic institutional infrastructure should be spearheaded by **gender sensitive parliaments**, which can be the embodiment of what transformative equality aspires to achieve on an institutional, symbolical, and experiential level.



The paper, therefore, asserts that the journey towards gender equality in leadership is complex and requires a multi-layered strategy. Legislative measures and quotas, while foundational, must be complemented by broader cultural changes, public awareness, and organisational commitment to gender-sensitive practices. The research presented in this paper elucidates that transformative equality is not a singular goal but a continuous process, necessitating sustained efforts and collaboration across various dimensions of society. By drawing attention to both the successes and the challenges in the current landscape of gender equality in leadership, the paper serves as a call to action for policymakers, organisations, and individuals. It encourages a re-evaluation of existing strategies, the adoption of comprehensive and inclusive approaches, and a relentless pursuit of a society where leadership positions are accessible and equitable for all, irrespective of gender.

To support the changes we advocate, we would recommend the following:

- **Legislative Measures and Quotas:** Implement and enforce gender quotas across all levels of public and private sectors to ensure a baseline of female representation. These quotas should be accompanied by stringent compliance mechanisms and penalties for non-adherence to encourage genuine commitment to gender parity.
- **Gender-Sensitive Policies:** Develop and adopt gender-sensitive policies within political and corporate institutions that address the specific needs and challenges faced by women. This includes policies aimed at work-life balance, parental leave, and childcare support, which can significantly impact women's ability to pursue leadership roles.
- **Capacity Building and Education:** Invest in capacity-building programmes for women, focusing on leadership development, negotiation skills, and political candidacy training. Education campaigns aimed at dismantling gender stereotypes and promoting the value of women's leadership are also vital.
- **Support Networks and Mentorship:** Establish support networks and mentorship programmes to provide women with the guidance, resources, and confidence needed to seek and thrive in leadership positions. These networks can also serve as platforms for advocacy and collective action to push for gender-sensitive reforms.
- **Monitoring and Evaluation:** Implement comprehensive monitoring and evaluation mechanisms to assess the effectiveness of gender equality initiatives. Data collection and analysis should be utilised to inform policy adjustments and ensure the continuous improvement of gender equality measures.
- **Public Awareness Campaigns:** Launch public awareness campaigns to shift societal attitudes towards women in leadership and challenge pervasive gender stereotypes.

These campaigns should highlight the contributions of women leaders and advocate for gender equality as a societal benefit.

- **Fostering Inclusive Work Environments:** Encourage organisations to adopt inclusive work practices, such as flexible working hours, diversity training, and policies against discrimination and harassment. Creating an inclusive work environment is critical for enabling women to participate fully and equally in leadership roles.

This comprehensive strategy, grounded in a commitment to equality and diversity, aims to create a future where leadership is accessible and equitable for all, marking a significant step towards realising the full potential of women's contributions to our global society. Although there is still considerable ground to cover in addressing the gender gap in leadership and decision-making, much of the institutional groundwork is already in place, with European and international legal instruments establishing in no uncertain terms a suite of **positive obligations to achieve gender equality**. Transforming our unequal power structures can and should begin by taking these positive obligations seriously.