Introduction

Reflecting on Power, Participation and Global Justice

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1 Introduction

The coronavirus pandemic crisis, in all its multifold manifestations, has clearly demonstrated how current structures of power risk perpetuating inequality between men and women.¹ As stressed by de Búrca ‘we live in a time of global turbulence’.² But, despite the uncertainty, this era offers us a unique opportunity to embrace contemporary challenges and engage in progressive change by rethinking the ways in which the realisation of women’s rights could be better consolidated in the struggle for global justice.

Our book seizes the momentum of this time of transformation to offer a novel view of the ways in which women’s invisibility and exclusion in the post-pandemic future can be redressed. The book seeks to explore the potential of the gender–power nexus, drawing on its different dimensions to provide a closer look at how we can accelerate the path towards gender equality and influence the gendered structures that dictate the distribution of socio-economic resources.³ In line with D’Ignazio and Klein, the term ‘power’ is used here to describe the interconnected domains (structural, disciplinary, hegemonic, and interpersonal) that confer advantages and privileges on some groups (in this case, men) and systematic disadvantages on others (i.e. women).⁴

² Gráinne de Búrca, Reframing Human Rights in a Turbulent Era (OUP 2021) 1.
³ As highlighted by Chinkin ‘a comprehensive approach to gender analysis is sought with a view to transformation of prevailing social structures – the workplace, the family, the global economy’, Christine Chinkin, ‘Gender and Economic, Social, and Cultural Rights’ in Eibe Riedel et al. (eds), Economic, Social and Cultural Rights in International Law (OUP 2014) 159.
⁴ In their work, D’Ignazio and Klein describe ‘the structural domain’ as the laws and policies that contribute to ‘organize oppression’; the ‘disciplinary domain’ which includes those...
This book starts with a historical account of concepts, principles, sources, and the institutional framework that define the contours of a ‘gender-positive environment’ and provide new opportunities for removing resilient barriers to economic empowerment and equal participation of women.

The second part of the volume introduces some contemporary developments in women’s socio-economic participation. Specific thematic areas (financial equality and gendered division of labour), which require direct action to move forward the parity debate are covered. These dimensions have been identified to demonstrate how power is not distributed equally – in terms of access to resources and opportunities – and to trace the interlocking structural factors that embody ‘gender norms and produce systematically unjust relationships’. The final part concentrates on the gendered dimensions of institutional cultures and practices. The proportion of women currently occupying positions in international institutions, such as United Nations (UN) treaty bodies, among others, is still very low. The analysis will provide some insights in terms of the legitimacy and representativeness of institutional environments to identify best practices for moving from de jure to de facto equality through and within gender policy.

who implement normative measures that ‘encode inequality’; the ‘hegemonic domain’ which refers to the cultural ideas that are circulated including by the media; and, finally, the ‘interpersonal domain’ which includes the personal experience of individuals who are part of the less powerful group. These four domains configure what the authors identify as the ‘matrix of domination’, building on the work of Collins: Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (Routledge 2008). D’Ignazio and Lauren Klein, *Data Feminism* (The MIT Press 2020) 24–26.


The Status of Women’s Empowerment: Moving from Powerless Equality to Powerful Equality

In recent years, domestic and international policies in different frameworks have been grappling with gender equality and women’s empowerment. Extremely influential in this regard, is the Buenos Aires Declaration on Trade and Women’s Economic Empowerment, which was adopted in 2017. This Declaration, for the first time, expressly linked equal participation of women and men to the notions of inclusive economic growth and sustainable development.

It is significant that the sixty-fifth session of the Commission on the Status of Women (CSW) focused on: ‘women’s full and effective participation and decision-making in public life’. The aim was to identify persistent barriers as well as opportunities for achieving, as suggested by Norris, cultural, civic, normative, and decision-making empowerment. The CSW ‘recognizes that progress in achieving gender equality and the empowerment of all women and girls, and the full enjoyment of their human rights has been held back owing to the persistence of historical and structural unequal power relations between women.

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10 The ‘Buenos Aires Declaration on Trade and Women’s Economic Empowerment’ (hereinafter the ‘Declaration’) was presented at the Eleventh World Trade Organization (WTO) Ministerial Conference, on 12 December 2017, and 118 WTO Members agreed to support it. The WTO appointed a ‘Trade and Gender Focal Point’ in 2017. In 2020, an ‘Informal Working Group on Trade and Gender’ was established by WTO Members, and Botswana, El Salvador and Iceland are chairing this initiative.

11 At the WTO’s 12th Ministerial Conference an outcome document, drafted by the ‘Friends of Gender’ group, which includes 19 WTO Members, four international organizations, and the WTO Secretariat, presented draft recommendations for WTO Members. In 2021, a WTO technical assistance programme on trade and gender dedicated to government officials was created together with the launch of the ‘Gender Research Hub’ to improve the understanding of the trade and gender nexus.

and men. The priority theme of the sixty-sixth session of the CSW (March 2022) also focuses on ‘achieving gender equality and women’s empowerment’, this time in the context of climate change. This requires efforts to improve the socio-economic conditions and also to redress the inadequate representation of women in governance. Let us consider briefly the conceptual framework elaborated by van Eerdewijk et al. to introduce how women’s empowerment may be achieved. Interestingly, they illustrate it as a ‘process’ and an ‘outcome’ that could be achieved by the ‘expansion of choice and strengthening of voice through the transformation of power relations, so women have more control over their lives and futures’. Achievement of this outcome would require the following actions: i) identifying measures to increase women’s and girls’ capacity to ‘take action’ (agency elements), ii) revising formal and informal arrangements to include a gender analysis (institutional structures), and, finally, iii) increasing both ‘tangible and intangible capital and sources of

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16 Van Eerdewijk et al. describe empowerment as ‘contingent on the interaction between three elements: agency, institutional structure and resources’. Interesting in their model is the conceptualisation of power that they place at the heart of women and girls’ ability to act as part of the empowerment process. Expressions of power include ‘power-to’ (the individual ability to have a positive influence), ‘power-within’ (refers to the sense of self-confidence and self-awareness to be able to have influence) and ‘power-with’ (collaborative power that could derive from collaborative action). In line with their conceptualisation ‘empowerment of women and girls occurs when women and girls exercise agency and have more control over resources and when institutional structures are more enabling to their choice and voice, and ultimately their lives and future. Transformation of power relations is not by definition a harmonious process’. Van Eerdewijk et al. (n 15) 13–14, 23–24.
power’ that must be sought to foster adequate responses (resources).\textsuperscript{17} This framework suggests that achieving gender equality\textsuperscript{18} is a complex process that requires taking steps to deal with the lack of political will and resources. It is also necessary to invest in remedying our lack of knowledge about how to reform existing governance structures and create the institutional preconditions required for the realisation of equality.\textsuperscript{19}

Academic interest in women’s empowerment has undergone a significant expansion, in particular, in the fields of human rights, development studies and gender politics. This has resulted in the elaboration of specific concepts that could play a concrete role in shaping meaningful responses.\textsuperscript{20} The three-volume compilation edited by Otto, \textit{Gender Issues and Human Rights}, presents evidence of how human rights law has been applied to improve women’s position since 1990.\textsuperscript{21} The overview of theoretical approaches, legal and institutional developments provides invaluable support to our work from at least two angles: first by paving the way to an emancipatory conception of equality and secondly by guiding a gender-oriented interpretation of international law aimed at stimulating new institutional and normative developments. However, the global COVID-19 pandemic has reminded us that, in reality, translating human rights and abstract legal principles is more complex than we would expect. Human rights could be limited and weakened, and women’s voices could be silenced if we do not engage with the complexities associated with the realities of gendered hierarchies of powers.

\textsuperscript{17} See the analysis conducted by Adami of ‘international welfare feminism’, which she describes as the ‘advancement of women’s rights with the understanding of women’s equality and political freedom is linked with and dependent upon their economic liberation from unpaid or forced labour under capitalist, colonial, and patriarchal power structures’, Adami (n 5) 65.

\textsuperscript{18} ‘The Commission also recognizes that women’s full and effective participation in public life depends on enabling factors such as economic independence and full and equal access to quality education, training, decent work and equal value, universal health coverage […]’ CSW (n 13) para 40.

\textsuperscript{19} ibid.


\textsuperscript{21} Diane Otto (ed), \textit{Gender Issues and Human Rights} (Edward Elgar 2013).
that render the search for justice ineffective and inadequate.\textsuperscript{22} Scholars have warned of the challenges that persist in translating \textit{de jure} equality into \textit{de facto} empowerment.\textsuperscript{23} Some scholars, such as Adami, Plesch and Acharya, suggest that progress towards substantive equality requires the inclusion of new narratives able to open up space for advancing from disempowerment to empowerment.\textsuperscript{24}

Our edited volume has the aim of ‘seeing the unseen’\textsuperscript{25} and adding lived experiences to investigate the limits and boundaries of human rights law. To this end, it focuses on ways of shifting from powerless to powerful equality through implementation of the law and emancipatory purposes in redistributing powers and resources.\textsuperscript{26} After demonstrating how the gender-power nexus helps in unpacking the \textit{de facto} mechanisms (informal and formal) that matter for women’s inclusion, we outline practical steps towards a larger and historically informed, post-pandemic ‘powerful equality’ framework that engages the world beyond academia. Our book focuses on complementary dimensions (socio-economic, cultural, public, and decision-making) to offer a useful framework that connects human rights, participation and institutionalisation as building blocks for the pursuit of women’s advancement around the world. We will explore these dimensions with the ultimate aim of raising broad awareness of the need to invest in gender equality for the construction of our society (representativeness), human development (economic and social rights), and sustainability (inclusiveness).

The achievement of gender equality and women’s empowerment is crucial to strengthen our ability to face emerging global challenges, especially those that could exacerbate pre-existing disadvantages. Thus, building resilience

\textsuperscript{22} Mary Picard, ‘Empowering Women in Climate, Environment and Disaster Risk Governance: from National Policy to Local Action’ \textit{EGM/ENV/BP.1}, Background Paper; De Búrca (n 2).


\textsuperscript{24} Rebecca Adami et al., ‘Commentary – The Restorative Archeology of Knowledge about the Role of Women in the History of the UN – Theoretical Implications for International Relations’ in Rebecca Adami and Dan Plesch (eds), \textit{Women and the UN: A New History of Women's International Human Rights} (Routledge 2021) 161.


\textsuperscript{26} Hanna Beate Schöpp-Schilling and Cees Flinterman (eds), \textit{The Circle of Empowerment: Twenty-Five Years of the UN Committee on the Elimination of Discrimination against Women} (The Feminist Press at the City University of New York 2007).
to face the adverse impacts of climate change, the rapid spread of digitalisation and inequality, as well as the emergence of anti-gender movements is essential.27

3 Non-ideal Theory and Global Gender Justice

We adopt a non-ideal gender theory as the methodological approach to analyse some of the unresolved and less well-explored issues related to gender inequality.28 This approach has been used in various contexts, including more recently in the context of gender studies, to connect with global justice.29 As highlighted by Jaggar, the appeal of non-ideal theory is that it starts from the reality of women’s situation in all its variety, informed by ‘direct experience and by a commitment to action’.30 Instead of the ‘picture of an ideal world’,31 this approach calls for capturing gender concerns and inequality as it emerges from a combination of micro and macro dynamics. In this way, it is possible to shed new light on ways of redressing gender injustice and identifying political responsibilities that can only arise from discussions that are ‘more gender-just’.32 It allows the readers to put themselves in women’s shoes and to understand the impact of gender inequality on different scales in the workplace, politics, and everyday life. Rather than sticking to the traditional method of analysis from the outside, our ambitious exercise allows us to share the real-life stories of women who have been able to step out from the shadows using

27 As highlighted by the UN Secretary-General ‘64. Transforming the balance of power is essential for promoting and protecting women’s human rights and solving the urgent challenges of the current age, from deepening inequalities and polarization, to the climate crisis and the COVID-19 pandemic’ (CSW n (13)). Several developments will help to face these specific challenges posed to women’s rights in this turbulent and rapidly changing era, where the risk of rising inequality and invisibility is high. For instance, the CEDAW Committee opted not to keep silent on these issues by adopting Recommendation No. 37, which specifically urges states to promote participation and empowerment in disaster risk reduction. CEDAW, General Recommendation No. 37 (2018) on Gender-related Dimensions of Disaster Risk Reduction in the Context of Climate Change, 7 February 2018, UN Doc CEDAW/C/GR/37.
29 Clare Heyward and Dominic Roser (eds), Climate Justice in a Non-Ideal World (OUP 2016).
30 Jaggar (n 28); Elisabeth Anderson, The Imperative of Integration (Princeton University Press 2013); D’Ignazio and Klein (n 4).
31 Anderson (n 30).
32 Jaggar (n 28).
their experience to bring a change in perspective – what Gurumurthy called ‘the empiricism of lived experience’. Accordingly, gender is seen through the prism of day-to-day interactions to identify existing problems and to overcome what D’Ignazio and Klein describe as the ‘privilege hazard’: ‘the phenomenon that makes those who occupy the most privileged positions among us [...] so poorly equipped to recognize instances of oppression in the world’. Through the voices of women whose lives and work are contributing to the fulfilment of the collective task of inclusion, this edited volume provides an original analysis of the socio-economic and political ingredients of global gender justice.

Our overall aim is to encourage a rethink of the unequal position of women around the world, broadening the scope of traditional gender studies by applying ‘action guiding non-ideal theory’, which could result in recommendations on ways to move towards a ‘more just world’. This could be achieved through calling attention to the most pressing ‘imbalanced sets of life options’ and perspectives for women through our questioning of traditional and ossified institutional structures, and through demonstrating how scholars and practitioners in an ‘expanding set of allied fields’ can contribute in meaningful and practical ways to improving the situation of women most affected by the power bias.

4 Structure of the Book

The structure of our book mirrors the inequality of this present and unique moment to provide an original reflection around three major lines of enquiry. Each of these is presented in a separate part of the book as described in detail in the following sections.

4.1 Women and Resilient Inequalities

The book starts with a historical account of gender (in)equalities in the area of women’s rights by focusing on the conceptual limits for women’s empowerment.

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33 D’Ignazio and Klein (n 4) 29. D’Ignazio and Klein refer to the keynote lecture given by Anita Gurumurthy (IT for Change, India) at the Data Justice Conference, 2018, Cardiff University (the recordings are available at https://cardiff.cloud.panopto.eu/Panopto/Pages/Viewer.aspx?id=bdc2ca7-1e69-48b8-8c95-a8e700e494cf).

34 ibid 29.

35 Clare Heyward and Dominic Roser ‘Introduction’, in Clare Heyward and Dominic Roser (eds), Climate Justice in a Non-Ideal World (OUP 2016) 8–9.

36 Jaggar (n 28).
emerging in the human rights field. The first section examines the intersection with power and draws attention to the structural bases of women’s exclusion.\footnote{Otto (n 8); Martha C Nussbaum, ‘Women’s Progress and Women’s Human Rights’ in Fassbender and Traisbach (eds) (n 25).}

Patricia Schulz’s chapter ‘Progress in and Challenges to the Rights of Women to Non-Discrimination and Gender Equality’ introduces the edited volume by reviewing the international legal framework on women’s human rights and linking it to the political objectives contained in the UN Sustainable Development Goals adopted in 2015. Schulz describes the progress made at national level with the adoption of laws conforming to international human rights standards, mainly the Convention on the Elimination of Discrimination Against Women (CEDAW) and its double requirement for formal and substantive equality. She illustrates challenges to the implementation of the principles of non-discrimination and gender equality including insufficient resources, regressive policies, lack of political will, and attacks against women human rights defenders, which states need to overcome when moving towards powerful equality.


In 1919, the ILO adopted the first conventions on women and work. A century later, women are a force in the labour market, breaking down boundaries that at one time would have been considered unbreakable.\footnote{Eileen Boris et al., Women’s ILO: Transnational Networks, Global Labour Standards, and Gender Equity, 1919 to Present (Brill 2018).}

Despite the significant advances made for women at work over the past century, ‘there is no room for complacency’.\footnote{ILO (n 38); See also Adami (n 5).}

Beghini, Pozzan, and Cattaneo base their analysis on the insights from the ILO’s report that is the culmination of the extensive and often ground-breaking work undertaken in the context of the ILO’s Women at Work Centenary Initiative.\footnote{ILO (n 38).}

By highlighting key gender gaps and obstacles to decent work for women, the chapter aims to reinforce the need for a multifaceted approach. It also points out the measures that can, and should, be taken to seize the opportunities presented by the changing world of work. To this end, Beghini, Cattaneo, and Pozzan explore the structural barriers, including unpaid care work, that shape the nature and extent of women’s engagement in paid employment, and how the challenges posed by the COVID-19 pandemic are being taken into account.

A broad understanding of how human rights law can be used to support change is based on an examination of the intersection of key concepts such as non-discrimination and gender mainstreaming to reveal the tensions between emancipatory change and institutional commitments on further organisational efforts. Bustreo et al.’s chapter ‘Gender Mainstreaming at the World Health Organization: Experiences, Challenges and Pitfalls in Global Health’ presents a more precise ‘conceptual vocabulary’ by reviewing the history of gender mainstreaming in one of the United Nations (UN) specialised agencies, the World Health Organization (WHO). The authors rigorously investigate how the concept of gender mainstreaming has been recognised as a critical and strategic approach for achieving gender equality commitments within the UN. WHO began initiatives to operationalise gender and human rights after the 1995 Beijing Platform for Action, largely focusing on women and reproductive health. In 2000, WHO created the Department of Gender and Women’s Health and subsequently, in 2007, the World Health Assembly endorsed the ‘Strategy for integrating gender analysis and actions into the work of WHO’. Bustreo et al., discuss the pioneering experience of WHO in its attempt to mainstream gender as a relational concept across the organisation

43 As described by Caglar et al. ‘from an institutional perspective, GM is intended to create the conditions for institutional learning, for instance by building up gender expertise within organizations. The idea is to enable bureaucrats to reorganize institutional procedures and to redefine policy values in ways to achieve gender equality’, Gulay Caglar et al., ‘Gender in International Governance’ in Steans and Tepe-Belfrage (n 12) 409.


45 As recalled by Otto ‘after many years of marginalization in institutions devoted specifically to issues of concern to women, there are now many signs that “women’s issues” are in the process of becoming institutionally “mainstreamed” in the UN, at least in the sense of integrating them into existing systems’, Otto (n 8) 5; Sari Kuovo ‘The United Nations and Gender Mainstreaming: Limits and Possibilities’ in Doris Buss and Ambreena Manji (eds), International Law: Modern Feminist Approaches (Hart 2005) 237, 252.

and its programmes. With their innovative analysis the authors contribute to highlight key factors for implementing innovative mainstreaming strategies to tackle the structural causes of gender inequalities and to achieve real transformative social change.

4.2 Women and Socio-economic Equality

The second part of the volume introduces some contemporary developments in women's socio-economic participation. It covers specific thematic areas (financial equality and gendered division of labour) that require direct action to move forward the parity debate. To this end the chapters in Part 2 explore how current frameworks fail to capture the importance to the economic sphere of women's power and active agency. The authors examine the relevance of addressing status bias (citizenship – chapters 4 and 5) and economic disadvantages (e.g. gendered division of labour – chapters 6 and 7 and financial literacy – chapter 8) to address women's unequal roles in decision-making.

The chapter by Mantu '(En)gendering EU Citizenship' addresses the role of European Union (EU) citizenship for mobile women. Mantu argues that within the EU, citizenship is considered to be the fundamental status of the nationals of the Member States, allowing them to enjoy a privileged legal position...
in comparison with non-EU migrants. Although EU citizens have a fundamental right to move and reside freely within the territory of other EU states, their mobility depends on their capacity for financial self-sufficiency, either as EU workers or by possessing sufficient resources. Mantu shows that the legal categories and rules on the exercise of free movement rights are not designed to take women's specificities into account. Issues such as the value of care work, opting out of employment for family reasons, concentration in low-paid, short-term and insecure jobs, and interruptions to working life have legal consequences that constrain mobility for EU women as well as impacting on their residence status and access to the welfare state. Yet, gender considerations remain largely absent in EU citizenship law and case law, raising questions as to the gendered nature of this status and the best way to prevent gender discrimination in the enjoyment of EU citizenship rights. The chapter by Fresnoza-Flot ‘Gender Gaps in Migration Studies: Recent Developments and Prospects’ describes how feminist scholars have contributed to the burgeoning of ‘gender and migration’ scholarship by reworking the introduction of gender perspectives in migration studies. In her chapter, Fresnoza conducts a comprehensive qualitative review of the ‘gender and migration’ scholarship and a quantitative analysis of the broader migration literature using a bibliometric approach. Through this combination of analytical methods, Fresnoza-Flot identifies three major gender gaps: feminised gender, which overlooks other socially constructed categories; heteronormativity, which impedes the inclusion of sexuality and queer perspectives in migration research; and the incomplete engendering of this field. Fresnoza-Flot demonstrates the need for strengthening collaborative actions to raise migration studies to the next level by making them more interdisciplinary, diversified, and gender sensitive.

Two chapters in this section analyse a specific set of challenges posed by the COVID-19 pandemic for progress of women’s rights: the threat that existing inequalities will be exacerbated and that new difficulties will be created. Blasko’s chapter ‘Unpaid Work during the COVID-19 Pandemic: Amount, Allocation and the Aftermath: A European Perspective’ offers a timely review of the consequences of COVID-19 stressing the socio-economic implications.


segregation in the labour market, and the unequal distribution of unpaid work that already existed within households before the pandemic, have made the impact of the crisis very different for men and women. While, in many ways, women seem to have paid a higher social and economic price, new opportunities to achieve a better work–life balance for both genders have emerged. Although still far from being complete, the growing evidence base helps to evaluate the early concerns about the possible damage that COVID-19 can do to gender equality in Europe as well as the hope of moving current normative frameworks towards making proposals for equal gender norms. Blasko focuses on the crisis-enforced changes in households and by looking at findings from COVID-19 surveys (national and comparative ones), her account helps to better understand some of the main developments in gender equality in Europe one year after the outbreak of the crisis.

Martucci, Minello, and Manzo’s chapter ‘The Unequal Ivory Tower: The Effects of COVID-19 on Academic Mothers’ complements Blasko’s chapter by zooming in on how the COVID-19 lockdown exacerbated gender inequality in heterosexual families, as well as in women’s workplaces. With the shift to remote work for professionals in spring 2020, mothers took on more of the burdens of childcare and other domestic tasks, compared with their male partners. Within academia, gender inequality in the home and in the workplace interacted to create a significant impact on mothers’ careers. The closure of childcare services and universities led to a conflict between domestic duties and extremely demanding careers, and many mothers had to delay less time-sensitive work tasks like research and writing. Martucci, Minello, and Manzo show how academic mothers feared that the interruption caused by COVID-19 would affect their career trajectories in the long term. The only women in their sample who consistently felt successful as academics and mothers during the lockdown were the ones who had access to childcare from family, partners, babysitters, or nannies – the ones for whom a more ‘sustainable’ version of life persisted. Based on their findings, Martucci, Minello, and Manzo propose policy recommendations that take into account the ‘motherhood gap’ and alternative ways to evaluate academic careers.

This final chapter of Part 2, by Harvey and Cristani ‘Women and Financial Equality: Rewriting the Rules’ investigates financial equality and financial literacy to identify a new narrative that can empower girls and women to participate in the financial economy. Harvey and Cristani argue that without a new narrative, it will be hard to expedite the path towards economic gender equality.

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equality. It will also be difficult to influence gendered structures that embrace the distributions of economic resources, such as earning, negotiating, and investing. After a preliminary overview of the theoretical and legal framework of financial equality, they illustrate the salient elements of the new narrative needed to achieve financial inclusion and to overcome the barriers that women are still facing in the financial sector. Harvey and Cristani advocate for strengthening financial education, starting at an early age, as a powerful tool to achieve financial equality.

They go on to suggest a gender-reinterpretation of social and economic structures to facilitate women’s full enjoyment of equal access to material resources and opportunities. This chapter provides a fresh articulation that directly connects the interdependence of persons and the power relations they face, or generate, with central aspects of contemporary economic and social practice.

4.3 Women’s Participation at the International Level and Institutional Encounters

The last part of the volume concentrates on the gendered dimensions of participation at international level. The limited participation of women is becoming an increasing concern with respect to international representation. According to the GQUAL campaign ‘women are underrepresented in virtually every international body responsible for adjudicating, monitoring, and developing international law’. To address this situation, this part of the book takes up the very challenging task of understanding how to improve

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53 The review by Larking confirms that ‘women are frequently excluded from access on equal terms to financial markets and services’ Larking (n 48) 308.


55 As suggested by Larking ‘given the structural power imbalances and deepening material inequalities within the marketplace, incorporating more women within it will not miraculously ensure an improvement in their economic and social status. Moreover, it will undermine women’s capacity to structure their lives according to alternative social understanding and political economies’ Larking (n 48) 322.

56 Steans and Tepe- Belfrage (n 12).


58 Claudia Martin, ‘Article 8 of the Convention to Eliminate All Forms of Discrimination against Women (CEDAW): A Stepping Stone in Ensuring Gender Parity in International Organs and Tribunals’ (2016) INTLAWGRRLS.
women’s participation by describing formal and informal mechanisms that influence gender divides.\textsuperscript{59} While the UN Secretary-General has achieved gender parity at the top management level of the UN, a wide gender gap remains in other bodies.\textsuperscript{60} The International Law Commission (ILC) offers a significant example. The ILC was established by the General Assembly in 1947 to implement article 13 (1a) of the UN Charter, which states that the General Assembly ‘should initiate studies and make recommendations for the purpose of promoting co-operation in the political field and encouraging the progressive development of international law and its codifications’.\textsuperscript{61} The ILC is mostly composed of men. During the 70th anniversary celebration of the ILC, held in New York in May 2018, a side event entitled ‘7 Women in 70 Years: Achieving Gender Parity in the ILC’ was organised and ‘the title by itself spoke volumes’.\textsuperscript{62} In seventy years, only seven members out of the total 229 members elected to the ILC have been women, with the first woman elected in 2001.\textsuperscript{63} In 2021, for the first time in its history, four women out of a total of thirty-four members of the Commission are serving at the same time.\textsuperscript{64} The new ILC members were elected in November 2021 and five women will start their mandate in 2023.\textsuperscript{65} The imbalance of representation was highlighted by representatives of regional groups before the elections.\textsuperscript{66} Pinto, a former member of the ILC, recently stressed the need to ‘encourage states to reach parity...’


\textsuperscript{60} UN Human Rights Council (n 49).

\textsuperscript{61} UN General Assembly Resolution 174 (11) (21 November 1947).


\textsuperscript{65} See outcome of the elections 2021. Women elected include: Ms Okowa Phoebe (Kenya), Ms Mangklatanakul Vilawan (Thailand), Ms Galvao Teles Patricia (Portugal), Ms Oral Nilufer (Turkey), Ms Ridings Penelope (New Zealand) <https://legal.un.org/ilc/elections/2021election_outcome.shtml> accessed 29 November 2021.

\textsuperscript{66} In the list of candidates out of 42 candidates, only 8 were women.
when proposing candidates’.67 The ‘glass ceiling’ (‘the invisible barriers, created by attitudinal and organisational prejudices, to block women from senior executive position’)68 has been a significant obstacle for women working at the UN, which has been likened to ‘the world’s largest men’s club’.69

Kessedjian’s chapter ‘Gender Equality in the Judiciary – with an Emphasis on International Judiciary’ offers fresh insights into the historical and current participation of women in the international judiciary to advance the existing literature on this topic.70 In recent years, this research area has attracted increasing interest,71 especially in the context of international law,72 and it

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67 See for instance ‘to conclude my remarks, allow me to make a brief but important reflection on the composition of the International Law Commission from a gender perspective. As other delegations have already pointed out, we cannot fail to draw attention to the fact that the ILC includes a small number of women among its members (4 at present) and that the number of women candidates in the current electoral process is also very small (only 8 candidates). It is obvious that the composition of the Commission does not reflect the reality of the group of jurists specialized in international law and we can only express our wish that this inadequacy be progressively reduced’: Agustin Santos Maraver, at the Sixth Committee of the 76th Session of the General Assembly, Agenda Item 82: ‘Report of the International Law Commission on the Work of its Seventy-Second Session’ Cluster II, Statement, Spain, 1 November 2021. ‘I would like to close by briefly addressing the upcoming ILC election. Simply put, the ILC historically and currently lacks anything close to gender balance. The statistics are well known – in the 72 years of its existence, the ILC has had just seven female members. In its current composition, the ILC has just four women out of 34 members. Prior to those four, only three women had ever served on the ILC. There is an opportunity this year to move the ILC in the right direction, so that its membership comes a little closer to reflecting the global community. There are eight women running in this year’s election, all well qualified in their own right. This includes the U.S. candidate, Professor Evelyn Aswad, who, if elected, would bring to the commission a valuable combination of government, multilateral, and academic experience. Even if all eight of these candidates are elected, women would still constitute less than a quarter – 8 out of 34 seats – of the membership on the ILC. We can and must do better. In the meantime, the United States expresses its appreciation to the governments nominating or otherwise supporting female candidates for the ILC this year. We also thank and congratulate the seven women who previously served on the ILC, who helped blaze the trail’. Richard Visek, Statement at the 76th Session General Assembly Sixth Committee Agenda Item 82: ‘Report on International Law Commission on the Work of its 72nd Session’ United States Department of State, October 26, 2021.


constantly raises questions related to the legitimacy of the judiciary. The chapter provides an empirical analysis of the process by which judges are recruited and appointed in the international judiciary and the dynamics and barriers to be overcome by women.

The final chapter by Germano and Fornalé reflects on the whole process of institutionalisation during the lockdown that has seen only a very small proportion of women occupying positions in international and domestic institutions, such as the ‘technoscientific’ ones, created by Member States to respond to the pandemic.73 Germano and Fornalé offer a historical overview of the role of participatory rights guaranteed by the CEDAW Convention (article 7 and article 8). The CEDAW was the first international instrument to clearly address (in article 8) the issue of equal participation and representation at the international level, calling upon states to ensure women’s presence ‘as delegates and representatives of their own countries at international level and to participate in the work of international organizations’.74 While substantial scholarship has focused on gender parity and quota mechanisms at domestic level,75 much less attention has been paid to the international domain and how the dynamics of women’s representation in international institutions mirrors the weaknesses of the domestic domain.76

The point made is that we ‘should not assume too early’ that participation at the international level will sort itself out as a direct outcome of the domestic struggle; instead, we need to engage critically with the informal and discretionary mechanisms that may increase the inclusion of women at the international level.77 The chapter’s major aim is to conduct an in-depth investigation of the creation of these institutional mechanisms at international level (e.g. WHO) and at domestic level (e.g. Italy) to understand how they interfere

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76 Charlesworth and Chinkin (n 1).
77 Pippa Norris (n 12).
with the exercise of ‘participatory rights’ guaranteed by the CEDAW (article 7 and article 8). To this end, Germano and Fornalé use this emergency-led development as a ‘reality check’ to explore the normative implications of the concept of ‘representation’ at institutional level (the so-called ‘gendering’ of institutional bodies at all levels) to understand the ways in which it is possible to intervene both formally and informally in the mechanisms that contribute to hinder women’s access.

5 Background Information

This book originates from the Gender Lecture Series ‘Know the GAP! Talking Gender, Equality and Diversity’, which took place from September 2019 to May 2022. This is the first English-language series open to the full university and to the general public, featuring prominent individuals in academia, private sector and international organisations and focused on both research and actual experience with gender balance and policy. Inaugurated in 2019, this lecture series has so far involved twenty-five leading speakers from around the world to address pressing gender issues, including: gender equality and human rights; gender equality and women’s empowerment; power and representation during the pandemic. Our authors are women who have successfully broken through the ‘glass ceiling’ and their personal accounts provide insights about the meaning given to gender based on choices, roles, social interactions and experiences in real life. With this publication, we aim to transform their original contributions into a new format that will contribute to the advancement of

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78 Sarah Wittkopp, ‘Article 7’ in Marsha Freeman et al. (eds), The UN Convention on the Elimination of all Forms of Discrimination Against Women (OUP 2012); Sarah Wittkopp, ‘Article 8’ in Marsha Freeman et al., The UN Convention on the Elimination of all Forms of Discrimination Against Women (OUP 2012); Ruth Rubio-Marín and Will Kymlicka (eds), Gender Parity and Multicultural Feminism: Towards a New Synthesis (OUP 2018).

79 After the adoption of the Gender Action Plan (GAP) in 2018, the World Trade Institute created its own Gender Team (Know the GAP! Team). Since then, the team has been led by snsf Prof. Elisa Fornalé, acting as gender coordinator. She has been supported by Ms Sophia Thompson (in charge of administrative activities), Mr Francesco De Fino (in charge of communication activities), Mr Pablo Das (in charge of social media tools), Ms Susan Kaplan (coaching) and Dr Aylin Yildiz (in charge of ensuring peer-to-peer engagement).

80 All podcasts are available online <https://www.wti.org/institute/equality/#open-92959-podcasts> accessed 29 November 2021.
gender equality. To this end, papers have been selected and tailored to create a coherent manuscript that sheds new light on the socio-economic and political conceptual dimensions behind the inequality we face today.

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