

Gender Balance in Economic Decision-making – Legal Backgrounds in Europe and in Hungary¹

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This paper aims to give an introduction to the topic of gender equality, starting with lightning the interdisciplinary of the topic of gender equality, continuing with the argument what is the correlation between the women's equality and the science of law. The paper can not be complete without framing the legal background of women's equality, and one has to consider that Hungarian legislation also can not be evaluated apart from the legal provisions of the European Union.

The last chapters of the paper ont he one hand map the gap between legal theory and law practice, and ont he other hand mention the most significant activity of the civil sector. Lastly, the study evaluates elements of recent research results from the European-level EWSDGE (European Women Shareholders Demand Gender Equality) project.

Női egyenlőség a gazdasági döntéshozatalban – jogi háttér Európában és Magyarországon

Jelen tanulmány célja elsősorban bevezetést nyújtani a női egyenlőség témájába, megvilágítva annak interdiszciplináris jellegét, folytatásként emellett meghatározva a női egyenlőség és a jogtudomány összefüggéseit. A cikk nem lehet teljes a női jogegyenlőség jogi szabályozásának keretezése nélkül, és a magyar szabályozás pedig természetesen nem lehet értékelés tárgya az Európai Unió jogi rendelkezéseinek számbavétele nélkül.

Az utolsó fejezet egyrészt az elvi jogi tételekben megfogalmazottak és a joggyakorlat közötti szakadékra fókuszál, míg másrészt megemlíti a civil szektor legfontosabb tevékenységeit ebben a körben.

Végezetül a tanulmány közread szemelvényeket az utóbbi évek európai szintű kutatásaiból, egy csokorra való adattal a EWSDGE (European Women Shareholders Demand Gender Equality) projekt kutatási eredményeiből.

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The Interdisciplinary Topic of Gender Equality

As for equality between women and men, from a historical perspective, the definition of gender itself has been formulated within the framework of the discipline of anthropology and history in the United States in the early 1970s – this nowadays means all qualities, behaviours and roles that society expects from an individual along his/her sex. In terms of the main principle, gender stereotypes have no biological basis – whether a woman or a man has the right to prevail according to their abilities and properties; and from the beginnings, the aim was not to play down biological sex, only the associated expectations.²

Examining the academic territory of gender equality, one better considers the topic as an interdisciplinary field of science – as many branches of science prefer to conclude investigations by the aspects of gender – mainly sociology, however political science, philosophy and even economics can be mentioned – in addition to the cited science of anthropology and history, although gender-linguistics and media science are also considered.

It may be obvious that, given the issue of women's equal opportunities, legal approach is not the first thought that would come to one's mind, since the subject's aspects are quite diverse and the academic results of any territory of the science – whether it is social science or not – affect us all. It is clear that such a multifaceted issue like gender equality, cannot be tackled from a single aspect, but we may presume that basically the relevance of the subject is reflected in the fact, that several disciplines of science prefer gender perspective to their examination aspects. The science of history, anthropology and sociology are the basic disciplines in which gender research has been studied and analysed for a long time, since the methods of these disciplines can be used in a most effective way to measure the effects and the counter-effects of gender discrimination.

The first important concepts were born at the workshops of the Anthropological and Historical Departments of the United States of America in the 1970s, as a scientific concept and definition of a social gender, which means “all the qualities, attitudes and roles that society expects from the individual on the basis of biological gender which cannot be derived from biological differences”³

Furthermore, still considering the basics, the science of sociology was the most fundamental field dealing with social stereotypes, as a constantly recurring phenomena of prejudice. Stereotypes arguably live with us – whether it is related to nations, professions, race, age or gender. Gender roles and stereotypes as they have socially and culturally been defined, recognize the differences, however, they deny the subordinate status of women: the main purpose of social definition and related movements is not to neglect biological roles, but to suppress the discriminatory expectations associated with them.

2 *Statisztikai Tükör* [Mirror of Statistics], Vol. IV, No. 18, 2010. 1.

3 *Statisztikai Tükör* [Mirror of Statistics], Vol. IV, No. 18, 2010. 1.

Politology and political science began to address the issue of equal opportunities for women as a matter of public policy, and created the principle of “gender mainstreaming”, as a complete strategy, which requires to incorporate the gender dimension into all levels of decision-making – from planning to enforcement. The strategy of gender mainstreaming gave a huge boost to the principle of gender equality, as that can exist not only at the level of theories but also as a social reality.

Here, we can mention the disciplines that deal with leadership theories about the gender issue, which indirectly add additions to the topic by examining the necessary leadership skills, and one can also mention linguistics as a social assessment or value judgment which is well reflected in the behaviour and behavioural habits of people in the community; these are also reflected in linguistic terms – we all know well the English “Be a man!” or the French “Cherchez la Femme!” expressions – and even though it is an entertaining way of examination indeed, gender linguistics also has serious results: the analysis of some narratives has shown that while there is a natural difference between the phonology of a male or female rhetoric, there are no significant differences in syntax, so there are no noticeable linguistic constructions that would typically be used only by women or men.⁴

Similarly to gender-linguistics, many disciplines can give a different impression of social perception investigations, such as media and communication disciplines, which are far more important, than one could at first suppose. Due to their fundamental social significance, these studies deal with gender issues and their changes. Media is the essential power to increase a whole society’s awareness of gender issues, as it transfers role models – from the roles of women in advertising to the female experts being shown on television and other media.

Within the science of law, the first wave of feminist legal theories washed up on the shores of society in the 19th century; two centuries later, we are living in the fourth wave.⁵ In the 1990s, the most important legal documents on gender equality were

4 HUSZÁR Ágnes (2009): *Bevezetés a gender-nyelvészethez*. [Introduction to Gender Linguistics.] Budapest, Tinta Kiadó.

5 MOLNÁR András (2009): *Feminizmus a jogban*. [Feminism in Law.] In FEKETE Balázs – FLECK Zoltán eds.: *Tanulmányok a kortárs jogelméletről*. [Studies on Contemporary Legal Theory.] Budapest, ELTE Eötvös Kiadó Kft. 169–171.

accepted and adopted worldwide,⁶ and these documents include the definition of gender mainstreaming,⁷ as well as regulations banning gender discrimination.⁸

Women's Equality and the Science of Law

From a legal point of view, the issue of total social equality, especially women's equality as an area of the science of law, has only been examined for a few decades – as for the legal basis of the academic topic, the most important milestone was the legislation of women's suffrage.

Political equality has existed from 1920 in the United States as a legal institution, and only appeared in the second half of the last Century in Europe – in 1949 Italy, France and Hungary joined the group; women gained the right to vote in 1971 in Switzerland and in 1994 in Lichtenstein, and as a conclusion of fulfilling the social equality between women and men, from the beginning of the 21st century, we have borne witness to rapid and vast legislation growth – mostly within the frameworks of the EU.

If we take a good look at the legal regulations, their formation, modulation and their successive amendments, these changes stem from two factors that may trigger new regulations; on the one hand the social, political or economic changes force the legislator to create new rules – such as technology development-induced legislation – on the other hand, the legislators favour some theory or conception while instituting new acts and anticipating the referred social changes as the intended purpose of the legislation.

6 Article 2 of the Universal Declaration of Human Rights provides that every human being is entitled to all the rights and freedoms within the Declaration 'without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (UN General Assembly 1948). Similarly, the International Covenant on Civil and Political Rights (ICCPR) requires States to respect and ensure the rights in the Covenant 'without distinction (UN General Assembly 1966a, Article 2), the International Covenant on Economic Social and Cultural Rights (ICESCR) requires State parties to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind on the grounds mentioned in the UDHR (UN General Assembly 1966b, Article 2[2]). Both the ICCPR (Article 3) and ICESCR (Article 3) have specific provisions for the 'equal right' of women and men to the enjoyment of all rights in the respective Covenants. In June 1997, the Economic and Social Council of the United Nations (ECOSOC) defined the Gender Mainstreaming as a principle.

7 The strategy of gender mainstreaming means that the process of mainstreaming works with a gender perspective in all planned activities – including legislation, policy-making and the planning of programs, in all areas, at all levels – ECOSOC; gender equality at last as a concept and strategy appeared at global level in the Beijing Women's Fourth World Conference in 1995, where an action plan was adopted, supported by the United Nation. The ultimate common goal of these documents and movements is to mainstream gender equality.

8 CEDAW, Article 1 says gender discrimination against women means any distinction, exclusion or a limitation, which has the effect, or which has designed to impair or destroy political, economic, social, cultural rights or fundamental freedoms of women.

There is no question that the area of women's equal rights belongs to the latter category, that's why the monitoring of the newly issued legal regulations has an extremely high importance.

Under the aegis of the United Nations, the codification of fundamental human rights after World War II placed equality of rights as a cornerstone, and one of the most essential elements of this basis was women's equality – it is sufficient to look at the percentage of people affected, both directly and indirectly. The related governmental objectives should particularly follow the enforcement of equal rights and, thus, gender equality – by the theories of constitutional jurisprudence, social justice and public interest.

The equality of opportunities is an ambitious topic in the international and national level of many governments – as a policy, it plays a key role in the US political and social cultures, but the European Union has defined women's equality as a preferred public policy objective, as well. For all those reasons over the last decades several legal regulations and measures have been enacted, in Europe and in Hungary, as well.

Legal Background in Europe and Hungary

In terms of positive legislation, within the EU's primary legal system, *The EC Treaty* itself can be mentioned or *The Charter of the Fundamental Rights*,⁹ furthermore the secondary legislation of the EU regulates several parts of the area of equal rights of women and the related fields – in self-employment activities, in the field of agriculture, pregnancy and maternity protection regulations, and promotion of breastfeeding and nursing workers, and so on.¹⁰

Besides legislation activity, the EU is considering other legal arrangements as well – the EU Council in 2006 adopted a *Gender Equality Pactum*, the EU Commission formulated an entire strategy entitled *Roadmap for Equality Between 2006–2010*, and the Economic and Social Committee has renewed a program, which aims for equal

9 The EC treaty, Treaty of Amsterdam, Article 2 and 3, (COM [2004] Final "Incorporating Equal Opportunities for Women and Men into all policies and community activities." Brussels, 19.02.2004).

10 Directive 86/613/EEC, a self-employed activity, including agriculture activities, applying the principle of equal treatment between men and women engaged, as well as pregnancy and maternity protection for self-employed women, Directive 92/85/EEC on the introduction of measures to encourage pregnant, occupational safety and health at birth or breast-feeding employees improvement measures, Directive 96/34/EC framework agreement concluded by UNICE, CEEP and ETUC on parental leave by, Directive 96/97/EC amending Directive 86/378/EEC on the implementation of the principle of equal treatment between men and women in occupational social security schemes, Directive 97/80/EC in cases of discrimination based on sex in the burden of proof, 2000/78/EC general framework for equal treatment in employment and occupation on the establishment of amending employment, vocational training and Council Directive 76/207/EEC on the promotion and implementation of working conditions in the 2002/73/EC of the principle of equal treatment between men and women. Directive 2004/113/EC implementing the principle of equal treatment between women and men in the access to and supply of goods and services, as well as the sale or provision of respect.

economic independence, and equal pay for the same and equivalent work.¹¹ For all these reasons, the European Commission supports the Europe 2020 Strategy – which aims to reach 40% as the proportion of women in decision-making bodies by 2020 – and has also taken concrete measures to achieve economic independence. In addition to these objectives, as the most effective measures, the creation of transparency, promotion of part-time employment, introduction of new metrics and measurements may be mentioned – such as establishing the European Equal Pay Day, and the European Institute of Gender Equality, collecting and presenting data, organizing, analysing and disseminating the development of women’s participation rate in politics, in public administration, in judiciary, in business, in the media, and in the civil society, as well.

Equal rights for women appear to be a key constitutional principle in Hungary also, which has traditional roots in the Hungarian law – in 1777, the Act of *Ratio Educationis* was considered a very modern regulation, which enacted the right to education in general, and at the end of the 19th century, the compulsory primary school education for girls.

In Hungary, the principle of gender equality is laid down in parallel with the European codification trends in the Constitution of 1949,¹² and Hungary joined amongst the first countries the relevant international treaties, as well. The Convention of the Elimination of All Forms of Discrimination Against Women was adopted by Hungary in 1982, so by signing the Convention, Hungary undertook to prepare reports from time to time analysing the progress in the process towards equality between men and women, which meant a periodic report in each 4 years. In the 20th century, from the 1960s a series of cautious economic and political reforms were introduced, rendering the system less rigid compared to most of its Eastern European neighbours.¹³

After the fall of the Iron Curtain, legislators aimed to achieve total equality,¹⁴ and this process continued with Hungary’s accession to the European Union in 2004,

11 Roadmap for Equality Between Women and Men. Available: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Ac10404>, Downloaded: 2 September 2016.

12 Constitution of the People’s Republic of Hungary, Act of 1949. XX.

13 Kiss Yudit (2003): System Changes, Export-oriented Growth and Women in Hungary. *Europa-Asia Studies*, Vol. 55, No. 1. 3.

14 Hungary’s legal system holds numerous rules for women’s equality out of which I would highlight the words of our Constitution: “Women and men shall have equal rights.” Article XV.

which imposed further prescriptive legal regulations and “soft law” documents on women’s equality¹⁵ in Hungary.¹⁶

The national Parliament, as an administrative act adopted the Act on Equal Treatment in 2003, and established Equal Treatment Authority setting up and clarifying important concepts for the law, such as direct and indirect discrimination and their legal consequences. In 2014, the New Civil Code of Hungary also re-regulated the non-discrimination issues, so the legal basis do exist,¹⁷ which makes our country’s legal background fit the international and European trends, which were further multiplied with the legislation of the EU as a parallel legal system besides the national acts.

As for the correlation between legislation and law enforcement, the gender issues should be included in all political and legal decision-making procedures in addition to the mentioned written black letter laws – mostly along the principle of social justice and public interest, I believe that this is the only way to eradicate gender inequalities. For all these reasons, the governmental objectives have to target the constitutional precept of equality of law within gender equality, and need to pay attention to gender issues – as we can see them in the EU soft law-recommendations.¹⁸

Besides these regulatory efforts, we must see that declaring gender equality as ensured in legal regulations is hardly enough – the constitutional and statutory declarations need to be detailed and bolstered by guarantees further fostering equality; legal regulations only represent the legal basis for gender equality.

15 COM (96) 67 Final (21.2.1996.) Communication from the Commission: “Incorporating Equal Opportunities for Women and Men into all community policies and activities.” The Treaty of Amsterdam, Article 2 and 3, COM (2004) Final, Brussels (19.2.2004) Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of Regions: Report on Equality of Women and Men, 2004 and several Directives of the Council including 75/117/EEC, 76/207/EEC, 79/7/EEC, 86/378/EEC, 86/613/EEC, 92/85/EEC, 96/34/EC, 96/96/EC, 97/80/EK, 2002/73/EC, 2004/113/EC, 2006/54/EC.

16 ILONZKI Gabriella (2005): Women in Politics: The European Union and Hungary. In NAGY Ildikó – PONGRÁCZ Marietta – TÓTH István György eds.: *Changing Roles: Report on the Situation of Women and Men in Hungary*. Budapest, TÁRKI Social Research Institute. 56.

17 The constitutional regulations are detailed in the civil law and in family law – recording equal rights of the husband and wife in marriage and family relations – and in the Labor Code – enshrining the right to equal pay.

18 Gender mainstreaming, which should be an entire strategy of a government, is a policy that carries several contents: a strategy that brings about permanent changes in prevailing inequality and include equal rights, equal opportunities, equal treatment and positive discrimination for women. This public policy evaluates the consequences of any political action or decision, including legislation and law enforcement, in all fields and areas, at all levels (General Recommendations made by the Committee on the Elimination of Discrimination against Women, United Nations Entity for Gender Equality and the Empowerment of Women.) Available: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

Theory and Practice

The topic of women's equality in Hungary has moved out from an impasse on its way to realization, and has been in constant fluctuation. Even if the perfect attainment of this public objective is still far away, gender equality is a legal institution for which it is necessary to fight – along constitutional or political aspects, along social justice or even financial points of view, with a comprehensive approach, and even with the toolkit of legal regulation, which must be based on appropriate governmental aims, objectives and actions.

Despite improvements overtime, the realization of the legal regulation of gender equality is still far from satisfactory, and naturally, from parity, as well. The effectiveness of the current legislation can easily be measured by the leading statistics of Europe and Hungary. The focus of our examination is on the proportion of women in three sectors of decision-making – in political, economic and other professional – e.g. academic, scientific – decision-making bodies.

The proportion of women in decision-making in Europe in politics and governance is not currently sufficient – in general the main statistics show under-representation among the decision-makers, the situation is fundamentally disappointing – however, women's participation in leadership has improved in the last decades, albeit not fast enough. Women's representation in national parliaments increased from 12% (1997) to 22% (2015), while women preside over 15% of lower or single houses and 20% of upper houses. Within the executive branch, the number of female heads of State or Government grew to 19% in 2015, and approximately this is the rate of women's representation among cabinet ministers as well, otherwise most female appointed ministers are assigned portfolios related to social issues. In the Judiciary however, men outnumber women as judges and magistrates in 50% of EU countries, higher up in the judicial hierarchy, women's representation declines drastically. The statistics are sad, whether in the public, or in the private sector – the glass ceiling seems to be most impenetrable in the world's largest companies, as well – less than 4% of CEO's are women, and they account for just 21.2% of board members of the largest publicly listed companies registered in the EU.¹⁹ Although the gender balance shows some progress – the proportion of women amongst board chairs has more than doubled from 2011 to 2015²⁰ – this improvement is not reflected amongst top executives; in general, from 2003 to 2010, the average increased only 0.5% per year.²¹

As for the statistics of The European Institute for Gender Equality,²² the “domain of power” measures gender equality in decision-making positions across the political,

19 The World's Women 2015. Available: <http://unstats.un.org/unsd/worldswomen.html>; and gender balance in decision-making positions, European Commission. Available: <http://ec.europa.eu/justice/gender-equality>

20 2011 – 2.8%, 2015 – 7.1%.

21 Gender balance in corporate board. Available: http://ec.europa.eu/justice/gender-equality/files/womenonboards/factsheet_women_on_boards_web_2015-10_en.pdf

22 <http://eige.europa.eu/gender-equality-index/2015/domain/power/HU>

economic and social spheres. The sub-domain of political power examines the representation of women and men in national parliaments, government and regional/local assemblies, furthermore the sub-domain of gender-balance in economic decision-making is measured by the proportion of women and men on corporate boards of the largest nationally registered companies listed on stock exchanges and national central banks. The Gender Equality Index presents data for the first time in the sub-domain of social power, which includes data on decision-making in research-funding organizations, media and sports. However, in Europe the domain of power has made the biggest progress of all domains of the Gender Equality Index since 2005 – as it has steadily increased by 9.6 points since 2005 – Sweden, France and Finland have overall achieved the greatest gender balance in political, economic and social areas in the EU28, whereas Hungary, Greece, the Czech Republic and Slovakia are the Member States that have the largest over-representation of men in political, economic and social decision-making. As for the latest statistics, in the last ten years, the majority of Member States improved their scores in the domain of power, the most significant progress was achieved in Italy (+29.1), France (+24.6) and Slovenia (+24.1).²³

In Hungary women – according to a European comparative research – spend most of their time doing child care and household work,²⁴ and although Hungarian women's education indicators are more favourable than men's, women are under-represented in leading positions or decision-making bodies, whether in the public or in the private sector. The status-inconsistency is palpable in Hungary, which means that higher-educated women cannot find the advanced career opportunities later.²⁵

From the perspectives of the economic system, one can observe economic challenges, such as the persistent gap between women and men in their access to resources and opportunities, the pay gap and other issues, as well. As for The World Economic Forum this gap not only undermines the quality of life of one half of the world's population but also poses a significant risk to the long-term growth and well-being of nations: countries that do not capitalize on the full potential of one half of their human resources may compromise their competitive potential. Therefore, the World Economic Forum created its Women Leaders Programme to support the advancement of women to positions of leadership and to promote consideration of the issues affecting women's lives. Within the frameworks of this issue, the Forum have

23 European Institute for Gender Equality. About the domain of power see <http://eige.europa.eu/gender-equality-index/2015/domain/power/HU>

24 BUKODI Erzsébet (2005): Női munkavállalás és munkaidő-felhasználás. [Women's Employment and the Using of Work Time.] In NAGY Ildikó – PONGRÁCZ Tiborné – TÓTH István György eds.: *Szerepváltozások, Jelentés a nők és férfiak helyzetéről*. Budapest, TÁRKI – Ifjúsági, Családügyi, Szociális és Esélyegyenlőségi Minisztérium.

25 FÉNYES Hajnalka: *A felsőoktatásban tanuló férfiak és nők tényleges mobilitása, státuszinkonzisztencia a nők oktatásbeli és munkaerő-piaci helyzete között*. [The Actual Mobility of Women and Men Educated in Higher Education and Status-inconsistency Between Women's Situation in Education and the Labour Market.] Available: http://www.felvi.hu/pub_bin/dload/FeMu/2011_03/FEM_2011_3_79-96.pdf

provided data on the qualitative aspects of women's participation in the economic system and workforce as well, recognizing that the advancement of women is an important strategic issue with a potential impact on the growth of nations. From these efforts the Global Gender Gap Index was born, which currently covers 144 countries representing over 90% of the world's population.²⁶

In general, as for the Global Gender Gap Index²⁷ Hungary dropped from position 55 in 2006 to 101 in 2016,²⁸ out of 144 countries of the world. The political empowerment of women is well-below the European average,²⁹ even the closest neighbouring countries.³⁰ In their last periodic report,³¹ the CEDAW Committee was concerned about the under-representation of women in senior positions in the Hungarian Government as well as in Parliament, and noted that no measures have been undertaken to address the situation.³²

In economic decision-making, Hungarian women are also under-represented in the boards of the companies,³³ and the tendency is decreasing; as for the latest data, in 2015, the proportion of women in the listed companies' board is slightly higher than 10%,³⁴ – while the gender pay gap³⁵ is wider than 20%.³⁶ The relative lack of women in corporate leadership positions is also an emerging political issue in the world,³⁷ as several studies have confirmed, the gender-balanced boards are more profitable,³⁸

26 The World Economic Forum, Global Gender Gap Index. Available: http://www3.weforum.org/docs/WEF_GenderGap_Report_2006.pdf

27 The Global Gender Gap Index is issued by the World Economic Forum.

28 Hungary was ranked to the 55th place in 2006, the 60th in 2008, the 65th in 2009, 78th in 2011, and 81th in 2012.

29 Women's representation in national Parliaments in Europe is average 22% in 2015. The World's Women 2015. Available: <http://unstats.un.org/unsd/gender/worldswomen.html>

30 Women in Austria in the National Parliament – 30.6%, women in ministerial positions – 30.8%; in Slovenia in the National Parliament – 36.7%, women in ministerial positions – 43.8%; in Croatia in the National Parliament – 25.8%, women in ministerial positions – 20%; in Serbia in the National Parliament – 34%, women in ministerial positions – 22.2%; in Hungary there are 10.1% women within the representatives of the National Parliament, and there is no woman in any ministerial position in the Government of Hungary. Available: <https://www.weforum.org/reports/global-gender-gap-report-2015/>

31 The report of 2013. Available: www2.ohchr.org/english/bodies/cedaw/.../CEDAW.C.HUN.CO.7-8.d

32 UN – CEDAW – Committee on the Elimination on Discrimination Against Women: Concluding Observations on the Combined Seventh and Eighth Periodic Reports of Hungary (2013).

33 Women in economic decision-making in the EU: Progress report. Available: http://ec.europa.eu/justice/gender-equality/files/women-on-boards_en.pdf

34 Women in economic decision-making in the EU. Available: http://ec.europa.eu/justice/newsroom/gender-equality/opinion/files/120528/women_on_board_progress_report_en.pdf

35 The gender pay gap has a direct impact on women in business and the whole economical sector, as well.

36 http://ec.europa.eu/justice/gender-equality/files/gender_pay_gap/140319_gpg_en.pdf

37 NOLAND, Marcus – MORAN, Tyler – KOTSCHWAR, Barbara (2016): Is Gender Diversity Profitable? Evidence from a Global Survey. February, 2016. Available: <https://piie.com/publications/working-papers/gender-diversity-profitable-evidence-global-survey>

38 Finnish Business and Policy Forum (EVA) 2007. McKinsey Women Matter Report (2007). The contribution of women on boards of directors; going beyond the surface (Nielsen Sabina of Marten Huse (2010), Catalyst studies. Available: www.catalyst.org. Why women mean business (A. Wittenberg-Cox and A. Maitland, Deutsche Bank Research, 2010.)

furthermore the latest studies are continuously strengthening the prior research³⁹ – so the public, private, and social sectors will need to act to close gender gaps in all areas, just like the economic sphere.

As for any kind of professional decision-making or participation type, research has proven that the career development of professional women is much slower compared to men – even in the field of academics: women with vocation for academic research are in an even harder situation.⁴⁰ In this sphere the Hungarian main statistics speak for themselves: while 37% of PhD holders in Hungary are women, they only account for 13.7% of university professors, and the female members of the Hungarian Academy of Sciences is only 3.5%, and the leading bodies are almost exclusively male.⁴¹

As for the latest CEDAW observations⁴² the Committee was concerned about the increasing prevalence of gender stereotypes in Hungary.⁴³ The Committee urges our country – amongst others – to systematically carry out gender impact assessments of current and proposed laws and promote the equal participation of women in public and political life.

The Activism of the Civil Sector and Recent Research Results

Besides the governmental sector, the civil sphere plays a fundamental role in our issue, as a bridge between legislative power and the citizens. From time to time, committed volunteers appear from the civil sphere and professional organizations. In Hungary, among the lawyers' communities, there are two professional organizations that operate actively this time – one of them is The Hungarian Association of Women Judges. The women judges' organization declared that neither the political changeover nor our accession to the EU solved all the problems. They could not change people's thinking or the attitudes of experts in relation to women's issues, therefore, recognising the need for reform, a few Hungarian female judges formed the Hungarian Association of the Women Judges to change the education of judges and the attitudes many have towards domestic violence, to promote the standardisation of professional training

39 WOETZEL, Jonathan – MADGAVKAR, Anu – ELLINGRUD, Kweilin – LABAYE, Eric – DEVILLARD, Sandrine – KUTCHER, Eric – MANYIKA, James – DOBBS, Richard – KRISHNAN, Mekala: How advancing women's equality can add \$12 trillion to global growth. Available: <http://www.mckinsey.com/global-themes/employment-and-growth/how-advancing-womens-equality-can-add-12-trillion-to-global-growth>

40 LINKOVÁ, Marcela – MLADENIC, Dunja – OLEKSY, Elżbieta H. – PALASIK, Mária – PAPP, Eszter – PISOVÁ, Magdaléna – VELICHOVÁ, Daniela (2008): *Re-claiming a Political Voice: Women and Science in Central Europe*. Prague, Institute of Sociology of the Academy of Sciences of the Czech Republic. 21.

41 Women Scholars of the Future: The Situation of Women in the Hungarian Science. 3. Available: <http://www.matud.iif.hu/05nov/20.html>. The proportion of female Hungarian scientists among the members of the Hungarian Academy of Science is 4.4% recently.

42 Concluding Observations on the combined seventh and eighth periodic reports of Hungary adopted by the Committee at its fifty-fourth session (11 February – 1 March 2013), CEDAW/C/HUN/CO/7–8.

43 "...by portraying women mainly, if not exclusively, in the role of mothers and care-givers..."

for judges with a focus on human rights issues, to inform judges about international research and international practices which is integral to this process.⁴⁴

The other organization of legal professionals, which can be mentioned is The Hungarian Women Lawyers Association, which is a voluntary institution acting based on a democratic government in Budapest.⁴⁵ The founders set up a personal and financial co-operation creating a legal entity of public utility engaged in social organization. The association's purpose is to act; it acts as the national member of the European Women Lawyers Association,⁴⁶ headquartered in Brussels. Its purpose is also to promote a better understanding of the legislation, particularly in the field of law and legislation on women's rights and equality, to establish and encourage a professional relationship between the female lawyers of several countries, by organizing meetings, and to attend several women's communities, women's organizations, and law educational institutions. The association's aims are also to conduct research, prepare studies and to represent the interests of women in public institutions and to develop a different strategy, to lobby the enforcement of women's equality by pointing the attention at gender equality in all legal areas. These goals are to be achieved through organizing conferences, information dissemination, giving lectures and legal advice.

With the financial support of the EU and others, with the participation of the association's volunteers, the most important project in women's issues in economic decision-making was the EWSDGE – "European Women Shareholders Demand Gender Equality" – project in 2015–2016. The initial statement of the project was that gender equality and equal opportunities on Supervisory and/or Management Boards had been on the agenda for a long time in all member States of the EU, with very little positive change. The concept of the project was to develop public awareness, strategies and measurements for more women to be represented in economic decision-making positions in the EU member states – the project connected eleven member states.

The project, mostly funded by the European Commission as well as the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), the German Ministry for Justice and Equality of Saxony-Anhalt, the Finnish Chamber of Commerce and the German Women Lawyers Association, ran from 2014 until May 2016, and was a successor to the highly successful German project that had run for five years previously, from 2009 to 2014. The basic idea came from a member of the German Women Lawyers Association, who had been irritated and annoyed that the Supervisory and Executive Boards of companies she held shares in consisted almost exclusively of men, so she started to question them on the representation of women in the Supervisory Board, in executive positions in the companies and on the related measures the companies had taken or would take in order to improve

44 GALAJDA Ágnes: The History of HAWJ. Available: <http://wscf-europe.org/mozaik-issues/mozaik-26-stop-being-silent/the-hungarian-association-of-women-judges/>

45 www.ugyvednok.hu

46 www.ewla.org

the representation of women on their boards. Her initiative developed into the successful national project of the German Women Lawyers Association, which was quoted later as “the highest profile campaign ever experienced by German attendees of annual general meetings.”⁴⁷

In the participating countries – 11 EU member states: Belgium, Bulgaria, France, Germany, Hungary, Ireland, Italy, Luxembourg, Netherlands, Spain and the United Kingdom – approximately 100 visits of Annual General Meetings took place in the first half of 2015. Our volunteers visited the AGMs of the EURO STOXX 50 index companies, and asked the boards for detailed information through a questionnaire about women’s representation in leadership positions of the listed companies.⁴⁸

The results of the research – as collected and analysed data of the professional experience and processed statistics, and as recommendations for the future civil and governmental sphere, both in general, and specialized for all participant member states – were published last year.⁴⁹

These recommendations declare that ambitious legislation and policies at European and national level are necessary. The recommendation promotes to adopt binding gender quota legislation, while encouraging the governments to make a political decision to require 40 per cent representation of both genders on Boards of state-owned companies. To increase transparency concerning female representation in corporate structures, the preparation of studies and statistics on women in leadership positions are needed. The legislation’s tasks are to develop equal pay provisions in line with transformative equality and to work out benefits for companies implementing sound, evidenced gender equality policies on the one hand and to prescribe effective and smart sanctions for non-compliant companies on the other hand. The recommendations address companies as well, as they need to act and change their corporate culture – it is necessary first and foremost to realize that the reality of women in decision-making positions is a business case, and to communicate and monitor gender equal corporate strategies, to develop and implement the leadership “pipeline” and provide a female talent pool.

The recommendations state that the change of perception in society is also needed, the recognition of equality between women and men as a fundamental right is necessary, and we need to encourage and implement gender-sensitive education, launch public awareness-raising campaigns on gender balanced leadership.

Conclusion

The issue of women’s participation in economic decision-making needs to refer to the essential arguments of social justice and public interest – the economic benefits have

47 KESSLER, Gregor – SMOLKA, Klaus-Max (2010): Hohe Nachfragequote. *Financial Times Germany*, 10.05.2010.

48 www.ewsdge.eu

49 http://www.ewsdge.eu/wp-content/uploads/2014/11/EWSDGE_Flyer_screen_englisch_72dpi.pdf

been considered as academic results for almost a decade now. From the comparison of the boards with relative lack of women with the gender-balanced boards, it is observed that gender-balanced bodies are much more profitable and more efficient.

Finally, in general, if we examine the constitutional and lower-level regulations of social values in Europe and Hungary, the question is, that after a half decade of fundamental legislation, what is the reason, or what are the reasons that lead to such a gap between theory and practice? If we assume that on the one hand, the state has to pay special attention to enforce fundamental rights and among them first and foremost equal rights and on the other hand the public power is in the position of being able to impress and determine the legal and social circumstances of women, it is still unclear, that in spite of all the efforts of preliminary social movements and serious governmental legislative, in addition to the existing legal regulations, how is it possible that gender equality presently is not yet a social reality?

There are several problems, which can be solved with legislation, but there are some factors – mostly extra-legal factors – that cannot be changed by legislation, only their consequences. The results arising from these differences cannot put women in a worse situation or create a disadvantageous legal status for them. That is why the equality of rights is seeking positive discrimination, and ultimately it must impact the social, cultural and human mechanisms.

In Hungary the principle of gender equality needs reinforcement – either at a statutory or lower level of regulation, or even at a more subordinated or implementing standard level. In addition to normative regulatory instruments, it is necessary to extend the effective network of legal protection to address legal violations and eliminate future infringements.

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