

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 24 May 2016

CDCPP(2016)2
Item 3.2 of the agenda

STEERING COMMITTEE FOR CULTURE, HERITAGE AND LANDSCAPE
(CDCPP)

MAKING EQUALITY A REALITY:
MAINSTREAMING CDCPP ACTIVITIES

For information and action

Secretariat Memorandum
prepared by the
Directorate of Democratic Governance
Democratic Institutions and Governance Department

*This document is public. It will not be distributed at the meeting. Please bring this copy.
Ce document est public. Il ne sera pas distribué en réunion. Prière de vous munir de cet exemplaire.*

Introduction

The purpose of this paper is to provide an overview of some of the issues to be taken into consideration by the CDCPP with regard to the gender dimension of its activities and to spark discussion and reflection within the Committee.

Part one of the document examines obstacles to achieving equality in general and historical terms, while part two takes a closer look at gender equality obstacles currently present in arts and culture.

It is recalled that the CDCPP Terms of Reference, as adopted by the Committee of Ministers, require it "to take due account of a gender perspective (...) in the performance of its tasks".

Action required

The CDCPP members are invited to reflect on how to incorporate a gender dimension in the CDCPP's work programme, having regard to the ideas and suggestions developed in Parts One and Two of this document, and agree on steps or modalities for enhancing the gender dimension in the CDCPP's activities.

Appendix¹

PART ONE

MAKING GENDER EQUALITY A REALITY

Gender sensitive

The Committee of Ministers declaration: Making gender equality a reality, adopted in 2009, states that women and men may have differing needs and that policy should be gender sensitive.

It also recognises that the past decades were often marked by neglect of a gender perspective in legislation and policy, with gender equality being a partially or totally isolated issue which had few links to other policies and fields despite it being both a goal in itself and a cross-cutting issue which should be at the core of practical decision-making.

But how different are we, how important is this difference, and what exactly is the focus of a gender perspective in legislation and policy, particularly from a woman's point of view?

In a different voice

In 1982, the seminal work of child psychologist Carol Gilligan² noted the disparity between women's experience and the representation of human development contained in psychological literature. The usual interpretation of this phenomenon was that it indicated problems in women's psychological development. Gilligan turned the analysis on its head by arguing that the failure of women to fit existing models of human growth suggested a limitation in the notion of the human condition.

Translating her research into the context of national legal systems has shown that just as traditional psychological theories have privileged a male perspective and marginalised women's voices, so too law privileges a male view of the universe. Its hierarchical organisation, its adversarial format, and its aim of the abstract resolution of competing rights make the law an intensely patriarchal institution.

¹Note prepared by the Secretariat using excerpts from texts and articles (see bibliography below)

² In a different voice: Psychological Theory and Women's Development, Carol Gilligan, 1982

Liberalism, the political ideology based on the theories of Hobbes, Locke and Rousseau etc. is the ideology which underpins Council of Europe member States' legal systems and policy-making. It is also fundamental to understanding the European Convention on Human Rights and other Council of Europe treaties. Liberalism describes individuals as separate from each other, free of the other; their ends, their life; their path and goals are necessarily their own; they are existentially free and this is the universal human condition. It is for this reason, that the rights in the ECHR are for the most part negative – freedom from executive intervention.

According to Gilligan, however, the story for women is very different. As primary caretakers of young children, they have a sense of existential connection to other human life which men do not. That sense of connection in turn entails a way of learning, a path of moral development, an aesthetic sense, and a view of the world and of one's place within it which sharply contrasts with men's.

Legislation and policy

The law and politics have not always served women well. For centuries, both systems were shaped and enforced exclusively by men, they denied women the attributes of citizenship and personhood, and subordinated them to the decisions of men.

Gradually, the most blatant forms of discrimination and disability were removed, so that women could be considered as persons, be guardians of their children, exercise the right to vote and enter professions. It was anticipated that when the main barriers went down, both systems would deliver equal justice. But discrimination as an approach to equality was not sufficient: law and policy remained insensitive to many women's concerns, and failed to protect them, for example, as victims of rape and domestic violence. It also failed to facilitate their lives, in the same way it facilitated men's, for instance, it was slow to create employment structures that recognised women's childbearing role, and it has never attributed an economic value to women's work raising the very people on who our future economic, social and political well-being depends.

The “add women and stir” approach

The liberalist approach to equality was to imagine that the disadvantages suffered by women can be compartmentalised and redressed by a simple requirement of equal treatment, i.e., simply by placing women in the same position as men in the public sphere, described by Charlotte Bunch³ as the “add women and stir” approach. Thus prohibitions on sex discrimination promise equality to women who attempt to conform to a male model and offers little to those who do not. Such prohibitions have been used for attempting to transform a world in which the distribution of goods is structured along gender lines. “It assumes a world of autonomous individuals starting a race or making free choices [which] has no cutting edge against the fact that men and women are simply running different races”.⁴

For instance, at the international level, the comparatively broad definition contained in the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which covers both equality of opportunity and equality of outcome is based on this limited approach: Firstly, the discrimination it prohibits is confined to accepted human rights and fundamental freedoms, which themselves have been structured along gender lines: eg Article 2 of the European Convention on Human Rights – the right to life – was aimed at protecting life in the public sphere against abuses of power by the executive; it has only very recently been accepted as extending into the private sphere to cover situations of domestic violence by husbands, partners, other members of the family, etc.⁵ Further, CEDAW’s sanction of affirmative action programmes in Article 4⁶ assumes that such affirmative measures will be temporary techniques to allow women eventually to perform exactly like men.

³ Founder of the Center for Women’s Global Leadership at Douglass College, Rutgers University.

⁴ Nicola Lacey, “Legislation against discrimination: questions from a feminist perspective”, *J L & Soc*, 14 (1987), note 43, p420

⁵ *Opuz v Turkey*, (European Court of Human Rights, Appl.no. 33401/02)

⁶ *Article 4 – Special measures*

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Identifying the invisible

Catherine MacKinnon, Special Gender Adviser to the Prosecutor of the International Criminal Court from 2008-2012, describes an alternative approach to equality, for which the central question always is “whether the policy or practice in question integrally contributes to the maintenance of an underclass or a deprived position because of gender status. The law should support freedom from systematic subordination because of sex, rather than freedom to be treated without regard to sex”. Mackinnon’s approach is not always easily applied because many of the relationships of subordination sanctioned by the law are so deeply engrained that they appear quite natural. It involves looking “for that which we have been trained not to see... [identifying] the invisible.”

Using MacKinnon’s analysis, other feminist lawyers have described discrimination in institutions, such as the workplace, where practices are more compatible with culturally defined male life patterns than female ones. Christine Littleton, for example, has proposed defining the goal of equality as “acceptance” so that institutions could be required to react to gender differences by restructuring to fit women and their life patterns.

PART TWO

Gender equality in Arts and culture

Art

According to an article appearing in *Artnews*⁷, the common refrain that “women are treated equally in the art world now” needs to be challenged. The existence of a few superstars or token achievers—like Marina Abramovic, Tracey Emin, and Cindy Sherman—does not mean that women artists have achieved equality.

Indeed, statistics gathered by the campaigning group [UK Feminista](#) in 2010 showed that 83% of the artists in Tate Modern were men, along with 70% of those in the Saatchi Gallery.

A set of statistics compiled between 2007 – 2014 on French and German institutions, showed there were signs of improvement throughout France and Germany, but parity was still nowhere in sight (see table below).



⁷ [Taking the Measure of Sexism: Facts, Figures, and Fixes](#), 26 May 2015, *Artnews* (*Artnews* is the oldest and most widely circulated art magazine in the world. It has a readership of 180,000 in 124 countries.)

Literature

A recent study⁸ by “Vida”, a US organisation supporting women in literature, examined a wide range of publications from the US and the UK, including the New Yorker, the London Review of Books, the Times Literary Supplement and Granta. It found that in 2014 the majority still had heavily male-centred literary coverage, both in their use of reviewers and the books that were reviewed.

The figures are at odds with the publishing industry in the UK, where some of the biggest-selling authors of 2014 were women. [Women](#) are also responsible for buying two-thirds of the books sold in Britain and figures compiled in 2009 found almost 50% of women were avid readers, compared with 26% of men.

Museums

In gender mainstreaming, museums are an essential tool for depicting a different world view, one which shows that women have also played a prominent role in the cultural arena. Museum narratives that survive the test of time, however, tend to centre around power and influence, with the result that women are excluded from the major part of historical storytelling in museums.

Motivated by the need to revise the discourse of certain museums, in July 2009 the Spanish Ministry of Culture signed a cooperation agreement with the Complutense University of Madrid. Under the terms of this agreement, the ministry would work with the university's Feminist Research Institute to effectively implement a gender perspective in state-owned museums.

As part of this cooperation agreement, the Directorate-General of Fine Arts organised the first online exhibition entitled ‘Heritage in Feminine Code’. The exhibition analyses the active participation and presence of women throughout history by giving an overview of pieces from the collections of thirty Spanish museums belonging to the Digital Network of Spanish Museum Collections.

Such initiatives make the role of women in culture and civil society visible, turning museums into social agents of democracy and equality and designing and implementing a roadmap of best practices for culture.

⁸ [The 2014 Vida count](#)

Music

A survey of the world's leading symphony orchestras shows that many orchestras around the world are dominated by male musicians. The London Symphony orchestra is 29 per cent women. The Dresden Staatskapelle is 28 per cent, the Russian National Orchestra 36 per cent, the Vienna State Opera Orchestra is a very low 7 per cent. American orchestras do slightly better. The Metropolitan in New York, the Boston Symphony, the Chicago Symphony and the LA Philharmonic all come in at just over 40 per cent women.

Conclusion

As with many Council of Europe fields of concern, it is clear that equality as a reality in the cultural field is far from achieved. This is of importance for the CDCPP committee, since it results in women being deprived of the same type of meaningful access to the cultural field as men, with the concomitant effects on their participation in arts and culture. This lack of access serves not only as an actual obstacle to women's participation, but also as a psychological obstacle to their participation: with far fewer role models in this field, the resulting subliminal message from the cradle upwards is "this is not a woman's field".

It is suggested therefore that the CDCPP analyse this subject in more detail through the drawing up of a questionnaire and the compilation of statistics on women in cultural institutions. This could focus on a variety of aspects, such as leadership and management of cultural institutions, cultural institutions' societal narrative, time dedicated to women's exhibitions or performances in arts and culture, newspaper/magazine coverage of women's contribution to arts and culture. Inspiration could be taken from the Eurimages project for the statistic compilation: [Reflection on "Gender", Data study for 2014 and evolution for 2012-2014](#), where this is practicable.

Bibliography

- *Human Rights of Women*, Rebecca J Cook, University of Pennsylvania Press, 1994
- *The boundaries of International law*, Hilary Charlesworth and Christine Chinkin, Manchester University Press, 2000
- *Jurisprudence and Gender*, Robin West, *University of Chicago Law Review* 1, 1988
- *In a different voice: Psychological Theory and Women's Development*, Carol Gilligan, 1982
- "[Male writers continue to dominate literary criticism, Vida study finds](#)", "The Guardian", 7 April 2015
- [Where are all the female musicians?](#) Miranda Kiek, "The Independent", 24 November 2012
- [Cultural heritage and museums - Moving towards a gender perspective](#), EPSA - European Public Sector Award, 21 March 2013
- [Taking the Measure of Sexism: Facts, Figures, and Fixes](#), 26 May 2015, Artnews