

INFORMATION SHEETS: 3

ELECTORAL SYSTEMS AND THEIR PUBLIC POLICY OUTCOMES

*For the National Association of Women and the Law
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Convener: The National Association of Women and the Law

Sponsors: The Law Commission of Canada

All Party Women's Association

Status of Women Canada

Elections Canada

Centre for Research on Women and Politics (Ottawa University)

WOMEN'S EQUALITY, POLITICS AND THE STATE

I. Women's Achievements through Political Engagement: Feminism and the State

In the late 1960's, a movement of women successfully lobbied for the establishment of a federal **Royal Commission on the Status of Women**. After the release of its 167 recommendations in 1970, feminist women and other activists spent two decades mobilizing governments to act.

Achievements included:

- The establishment of government Ministries of the Status of Women, the federal Women's Program, and an arms-length Advisory Committee on the Status of Women.
- Increased awareness about violence against women and improved sexual assault laws.
- Changes to the *Indian Act* to enable Indian women to maintain their status regardless of marriage.
- The adoption of employment equity legislation in the federal public service.
- The inclusion of two equality clauses on the basis of gender (Section 15 and 28) in the *Charter of Rights and Freedoms*.
- The decriminalization of abortion

II. Governments' Disengagement from Women: The State vs. Women

From the mid-1980's onward, women's engagement with the state became more difficult. Governments that had previously recognized and acted upon their obligations to women, began to change their approach to governing. In doing so, they took actions and made policy that hurt women, particularly those at risk such as low-income women, single mothers, women with disabilities, Aboriginal women, women of colour, and elderly women.

The Retreat of the State included:

- Deficit-cutting through the imposition of severe reductions in social spending in areas such as income security programs (social assistance, employment insurance), health care, education, and resources for women's organizations.
- Privatizing of public services and downloading responsibility to individuals & families.
- Shifting from industrial to service sectors as the new source of employment.
- Transferring power to new global bodies like the World Trade Organization.

Two Very Different States

The Post-War Welfare State:

Women made claims for equality on the basis of what they viewed as their right to inclusion, access and representation within the 'welfare state'. Women succeeded in part because many governments of the day believed in intervening in the economy to offset the innate inequalities that it both produced and reinforced.

1985 - The Neo-Liberal State:

After the report of the Royal Commission on the Economic Union and Development Prospects for Canada (1985), many governments began to view social programs such as income supports and public services as promoting dependencies. Provincial, territorial and federal governments started to change their role from one of assisting citizens to be full members of society to one where individuals within the family must 'take care of themselves'. In this context, the state strives to be a lean, mean, deficit-cutting machine. Women's groups are seen as 'special interest groups' that do not have political legitimacy.

WOMEN'S EQUALITY, POLITICS AND THE STATE (continued)

III. Re-asserting a Meaningful Role in Public Policy Making

A. World March of Women

During the WMW, the Canadian Women's March Committee presented 68 demands to the federal government to end poverty and violence against women. These demands rejected the new role of most governments in Canada, and criticized their decision to cut services, eliminate mostly women's jobs in the public sector and defund women's organizing. The demands were presented on behalf of the thousands of women who mobilized in their own communities, and the nearly sixty thousand who marched on Parliament Hill in October 2002.

Through marches, vigils, rallies, and meeting with Parliamentarians, women asserted the expectation that governments need to play a crucial role in upholding women's equality, by promoting women's social, economic and cultural rights, by recognizing and respecting women's paid and unpaid labour, as well as protecting and promoting the full rights of marginalized women, including immigrant women, Aboriginal women, young women, and lesbians.

B. The Charter of Rights & Freedoms

Women are also using the Charter as a way to force governments to recognize their obligations to women. In 2001, a number of women's organizations intervened in a case at the Supreme Court of Canada in which a young woman from Quebec had been denied sufficient income support from the provincial government while unemployed. Women's organizations argued that governments have an obligation to provide, not deny, enough resources to individuals so that they can be full participants in society.

C. Women and Electoral Politics

Equality-seeking women need to be well represented in our legislatures. The elected representatives of the particular party that forms the government in each province, territory and within Canada's federal Parliament, make choices which negatively impact upon women. There has rarely been a critical mass of women in any Canadian legislature (the UN defined critical mass as a minimum of 30%), and women remain a distinct minority in the cabinet of governments, where the public policy agenda and key policy choices are made.

IV. What would Feminist Policy-Making look like?

Inclusive and Diverse

- It would encourage meaningful input from those who have been historically excluded from having a voice and those who will be directly impacted by a particular policy or program.

Based on Equality and Justice

- Policies must be evaluated on the basis of who they benefit, keeping in mind that policies need to address the needs of social and economic sustainability of everyone in society.

Accountable and Transparent

Policy development must be a democratic, inclusive and transparent process. It must promote clear communication, meaningful collaboration and strategic action across sectors. Decision-making must be based on mutual respect and consensus.

(Criteria Developed by FemJepp 2002)

The aim for [feminist representation] must be to transform politics, its programs, processes and structures in such a way that demonstrates that all women matter.

- Jane Arscott

~ IN SEARCH OF CANADIAN DIVERSITY ~

The Compensation Model:

Argues that strong biases and penalizing practices operate in the recruitment process to prevent new social groups from participating in elite politics. As such, contenders must be exceptional to make up for negatively valued characteristics that they are perceived as having, and must compensate for these impediments.

- Not only are women and other marginalized groups excluded in the recruitment processes, those who manage to gain access to the system have to be significantly more qualified to earn the confidence of the party gatekeepers. This occurs to the extent that:

- Women are generally more accomplished than men.

$$\text{♀} + \text{C} = \text{♂}$$

- minority women have notably superior credentials to majority women.

$$\text{Min♀} + \text{C} = \text{Maj♀}$$

- minority male candidates are more accomplished than majority men, but less so than their (doubly disadvantaged) female counterparts.

$$\text{Min♀} + \text{C} = \text{Min♂}$$

A Charter Challenge to Canada's Electoral System

s. 3: The Right to Effective Representation

- The inequality among voters, and the under-representation of different groups within the electorate would be brought out in the challenge.

s. 15: Equality Rights:

- Women, Aboriginal people, visible minorities could bring a claim that the electoral system's role in their continued under-representation in Parliament constitutes a denial of the equal benefit of the law.

The Harmed Groups:

Women, 2) Non-geographically based minorities, such as Aboriginal peoples and ethnic minorities, 3) Political Parties that run national rather than regionally-based campaigns

From: The "Green Party Case" Joan Russow v The Attorney General of Canada, The Chief Electoral Officer of Canada and Her Majesty the Queen in Right of Canada

LAUNCH OF DISABILITY ELECTORAL RIGHTS BILL

Disability rights experts and activists, senior election administration officials and international parliamentarians from more than 24 countries met in Sigtuna, Sweden on 14-17th September to draft a global « Bill of Electoral Rights for People with Disabilities » - the outcome of a first ever effort to bring together concerned parties as equal partners to develop a global initiative in this field.

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