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### **THE LEGITIMACY AND EFFECTIVENESS OF GENDER QUOTAS IN POLITICS IN CE EUROPE**

The widespread adoption of gender quotas in politics is one of the major contemporary electoral reforms. Our starting point for this special section is the fact that although the study of gender quotas is a growing area in politics and gender research, the use of electoral gender quotas in the Central East European region is still under-studied. This issue remains despite the fact that most countries in the region have adopted some type of gender quotas, either by law or as party quotas adopted by individual parties.

Three waves of gender quota regulations can be identified. *The first wave* consists of the use of different types of gender or rather women's quotas in a considerable number of socialist/communist countries and in Pakistan since 1956, Bangladesh since 1972 (with some interruptions in both of these countries) and Egypt from 1979 to 1984. In none of these countries were the quota provisions popular among the citizens. In the Nordic countries, party quotas were adopted starting in the 1970s and 90s.

*The second wave* of gender quotas started with Argentina's adoption in 1991 of a quota law that became a model for the whole Latin American continent and spread all over the world, especially after the UN World Conference on Women held in Beijing in 1995.

Today, we are witnessing *the third wave* of quota laws, most of which are revisions of the original laws. More than 30 countries have revised their original quota laws in order to boost the impact of the quota provisions. There has been a growing focus on the effectiveness (and lack thereof) of the first quota provisions. All over Europe we are also seeing a move from voluntary party quotas, primarily adopted by green and left parties, including social-democratic parties, to legislated quotas that are binding for all political parties and coupled with sanctions for noncompliance.

In some instances the first quota laws or party quota regulations were just meant to be symbolic without much effect, yet in many cases there was a lack of understanding of how different quota systems work in various electoral systems, and many quota provisions were badly formulated. Women's organizations, which had advocated for gender quotas in order to change women's historical underrepresentation, have often been disappointed with the first results, hoping that for instance a 30-percent candidate quota would result in about 30 percent women among those elected to parliament or to local councils, but this has rarely been the case.

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Today, the study of gender quotas is a growing research field all over the world, but for some areas, such as the CEE countries, we need much more research. The attitude towards the adoption of electoral gender quotas has been one of reluctance in CEE and the Balkans because of the unpopular first wave quotas under communist/socialist rule.

### **Communist/socialist rule**

We need more studies of the actual use of various types of gender quotas under communism/socialism, since the widespread myth of a general 30-percent quota for women is obviously a post-communist construction that has contributed to the reluctance in the region towards the use of quotas. The fact is that under communism/socialism there were many different quota systems at work in various countries, and that quotas were installed not just for women, but also for workers, youth and other groups. At the same time, there were no quota provisions for the highest male-dominated decision-making bodies, which in many cases only had one token woman. Several studies also show that the share of women in important political bodies was not sufficiently high at any of the various levels of political decision making. The situation even worsened after the fall of the socialist/communist regimes, and women almost disappeared entirely from politics.

It is difficult to generalize about the former East European block of countries as there were many differences along almost all the lines of comparison (internal politics, economics, dependence on Soviet politics, level of personal freedoms, gender equality, etc.). In the analysis of the situation of women in politics in this region with a focus on the legitimacy and effectiveness of gender quotas, we can point to a few areas that have influenced the position of women in politics.

As has been widely researched and documented in this region, the high standard of women's social rights was the result of state intervention ('state feminism') and activities from above and not from the organized grass-roots women's movement or organizations (Jalušič, 1999). The party's large women's organizations were mostly meant to secure its influence over women, yet they also sometimes communicated with the party leadership regarding women's practical issues. The importance of women's political rights had been marginalized as political pluralism was not recognized as an important issue under socialist/communist rule. Politics was reserved for those who were members of communist parties, and these were exclusively or mostly men. Women's independent organizations were not acceptable for the political establishment at that time as they thought that this could destroy the unity of citizenship (manifested in the working class).

As the leading ideology was formed around the unity of socialist/

communist men, the interests of the working class and the strength of the state and democratic centralism, there was no room for a plurality of interests, positions or identities and consequently no room for special women's interests and needs in politics as this could be understood as women's separatism. Moreover, it was believed that women's interests were adequately absorbed in the interest of the working class and that the emancipation of women would be achieved with the emancipation of the workers and the realization of communism.

According to this political thought in many of the countries in the region, two strategies can be identified: ruling parties nominated a few strong party women (often spouses of male leaders or those who exhibited their capacities in the war period) to high political positions and they served as token women, and the second was the exhibited official position of the ruling party to include a certain percentage (around 30 percent) of young people, peasants and women in some political bodies. The latter was in some countries in the 1990s often compared with gender quotas and misused as an argument against them, as it was seen as an example of the 'forced political emancipation of women'.

Three decades after the fall of the Berlin Wall CEE countries are still as diverse as before, or even more so, and it seems that gender quotas as a tool for more rapid progress towards the equal representation of women and men in politics have become more acceptable. The available data (Gender Quotas web archive) show that Albania, Poland and the seven former parts of Yugoslavia (Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia) that are now independent states - in spite of a total rejection in the beginning and after an initial period of party quotas predominantly in leftist parties (Antić G. and Lokar 2006) - have adopted gender quota laws. In other countries (the Czech Republic, Hungary, Romania and Slovakia) some political parties have adopted gender quotas for elections (voluntary party quotas) or, in the case of Bulgaria, only gender quotas for internal party bodies.

## Defining quotas

Electoral gender quotas can be defined as an affirmative action measure that requires a certain number or share of women to be nominated or elected. Gender quotas are thus about numbers or shares, and basically just that, even if many other consequences may follow. Gender quotas are what Dahlerup and Freidenvall (2005) have labeled *a fast track policy* designed to rapidly change unwanted inequality. Fast track models have become widespread in post-conflict countries as part of reconciliation processes and in order to include a larger part of the population.

In contrast, *the incremental track policy*, known especially in what used to be called the Western World, rests on a belief in gradual development, where gender equality is supposed to happen by itself through development. The five small Nordic countries, which for a long period were almost alone at the top of the world rank order in terms women's parliamentary representation, and today have an average of 41 percent women in their parliament, have never seen an increase of more than eight percentage points in one election, while several countries from the Global South, among them Rwanda (56% women and No. 1 in the world), Bolivia (53%) and Senegal (43%), have experienced historical leaps of 10–20 percentage points in one election following a fast track model with effective, yet different, gender quota provisions.

Gender quotas may be formulated to be gender neutral, which is the most common, or to favor women. Gender-neutral quota provisions set a minimum and a maximum for both sexes, e.g. 30–70 or 40–60 percent. The many types of electoral gender quotas can be categorized according to two criteria: First, the *mandate*. Are the quotas adopted by law binding for all parties, or adopted by individual party statutes? Second, which part of the chain of the nomination process is regulated by quotas: primaries/shortlists, candidate lists for election or those elected? Combining these two dimensions shows the three most common quota types today. Note that this categorization is also relevant in relation to quotas for other groups, such as ethnic minorities.

1. *Party candidate quotas adopted by individual parties*
2. *Legislated candidate quotas*
3. *Reserved seat quotas, which regulate the number of women among the elected.*

Reserved seats for women may be combined with reservations for other groups such as in India at the local level, where quota provisions for women are combined with quotas for the scheduled casts. Reserved seat quotas for women are not in use in Europe, but reserved seats for national minorities is an old tradition, for instance the two seats reserved for the German minority in the Polish parliament.

*Soft quotas* is a term used about vaguer recommendations or stipulated targets, for instance a promise of 30 or 40 percent women among a party's candidates within a particular number of years. While left and green parties today often apply strict party quotas mandated in their statutes, liberal and right-wing parties are more inclined to operate on the basis of less binding quota recommendations, if any at all.

*Rank order rules* are extremely important for the effectiveness of quota rules in terms of getting more women elected. Even a 30 to 40 percent quota

requirement can result in no women being elected if all of the female candidates are placed at the bottom of the party lists in a PR election or in weak constituencies for their party in single-member districts.

*Legal sanctions* for noncompliance (quota by law only) are also important, and research has shown legal sanctions to be the most effective system if electoral commissions have the authority to reject lists that do not live up to the quota rules. In some countries political parties are given 48 hours or a week to comply with the law, i.e. find the required number of women. Financial penalties or most recently financial incentives such as in Georgia are usually not very effective sanctions, since the big parties usually have too much financial power to care.

### Legitimacy of gender quotas in politics

What is the theoretical foundation of the use of electoral gender quotas? 'Quotas are against liberal democracy and violate the principle of merits', opponents of gender quotas often argue. Following Carol Bacchi's *What's the Problem Approach* (Bacchi 2006; Bacchi, 1999), quota proponents argue that it all depends on the diagnosis of why women are underrepresented (Dahlerup and Freidenvall 2010). If women are underrepresented primarily because of their lack of qualifications or lack of political interest, then the remedy should be capacity-building courses especially for women, as can be seen in many development projects. If, on the other hand, women's underrepresentation, as advocates of quotas believe, is primarily caused by a lack of inclusiveness on the part of those who select and recruit candidates (mostly the political parties), then gender quotas in politics do not discriminate against men or violate the principle of merit, but compensate women for the all the structural barriers they encounter on their way into politics. The political parties are the real gatekeepers to elected assemblies, and should be scrutinized for what goes on in what has been called 'the secret garden' of nomination.

If there were no recruitment within 'old boy's networks', and if the recruitment process were transparent and did not include special favors for incumbent candidates (the majority being men), then gender quotas would be unnecessary and even unfair.

We should start talking about *quotas for men*, Rainbow Murray proposes, instead of talking about quotas for women. It is the over-representation of men that is the problem, she argues. This would shift the discussion from the usual scrutiny of women's qualifications to a discussion of men's credentials. All citizens would benefit from 'ceiling quotas' for men, Murray (2014) argues, because it would broaden the talent pool and lead to true meritocracy, since both genders would be scrutinized.

The legitimacy of electoral gender quotas thus depends, firstly, on the diagnosis of the problem of women's historical underrepresentation. Secondly, quota systems must be constructed in a way that fulfills the criteria of transparency and competition among candidates. No candidate quota system should give seats to women and suspend competition. Today, most candidate quota systems with rank order rules instead give women a fair chance to be elected and the voters a chance to also choose between many female candidates, which is historically unprecedented.

## **Effectiveness of gender quotas**

It is often difficult to determine why gender quotas are effective in a particular situation, as there are several supportive and as many inhibiting elements in the whole process. As this special section on quotas will show, many factors influence the effectiveness of gender quotas in changing women's historical marginalization in politics. Among them include electoral systems, the political culture, religious circumstances, the importance of international 'pressure' (for example the process of the integration into the EU and UN declarations), the strength of women's organizations and movements, historical legacy and understanding of the rule of law, democratic institutions and finally value orientation, especially with respect to gender equality issues (Norris and Inglehart, 2001).

The papers in this section debate the elements that improve the position of women in politics at different levels. These differ from country to country, but they all emphasize at least two common elements: The importance of the electoral system and the political parties' attitudes and positions towards gender equality and their readiness to change the situation with either internal or external rules (state legislation).

The papers also show that the effectiveness of quotas in increasing women's representation in elected assemblies depends on the specific construction of the quota systems, especially the quota percentage and the existence of rank order rules for the lists - not to mention on whether the political parties actually implement the quota rules correctly, and whether there are any sanctions for noncompliance.

## **Analyzing effectiveness**

The effectiveness of gender quotas in politics can be evaluated at three levels of analysis. Firstly, researchers look at effectiveness in terms of making parties actually comply with quota provisions, be it party or legislated quotas. If, for instance, a regulation says that each gender shall have a minimum of say 30 or 40 percent of the candidates on each party's list for election,

the analysis starts with looking at the actual implementation by each political party, including complying with rank order rules. The analysis can also show if the quota regulation from the start was unclear, contradictory or may have even been intentionally constructed to have little effect in order not to challenge the power of the (male) political elites. Today, there is so much experience around the world and so much research on how various quota regulations work under different electoral systems that no country should have to start from scratch (see Quota Project).

Secondly, the effect of electoral gender quotas are often evaluated in relation to the elected women politicians' commitment and ability to represent women's interests in parliament or local councils after the election. While quota regulations are just about increasing the number or percentage of women (*descriptive* representation), quota advocates usually expect women to make a difference in policy-making (*substantive* representation). Whether the elected women want to and actually have the chance to promote gender equality policies depends on the party systems and on the wider context and discussions (see the next point).

Thirdly, the effectiveness of gender quotas can be analyzed in a broader perspective, as is done in this special section. Here the researchers explore how the whole debate on gender quotas encourages new debates, including perhaps a new debate on why women are underrepresented. Quotas can under certain circumstances be a catalyst for larger debates and influence the discourse in a country beyond specific quota adoption. The very demand for new measures to increase women's political representation can in this way mobilize women and feminists, also around other gender issues, and consequently have far reaching consequences for gender relations and gender structures in the country or region.

Less effective gender quotas can on the other hand obstruct further debates and reforms on gender equality. Consequently, it is always important to analyze the results of gender quotas in politics on all three levels, as is done - with variations in emphasis - in the following articles.

### **What do the papers bring to the readers?**

The papers in this special section provide some special insights into the process of the adoption of gender quotas and their legitimacy and, even more importantly, their effectiveness in different arenas: national (in parliaments), regional (in EP) and local levels. They do so either in the form of single country case studies (Ukraine, Slovenia and Poland) or comparative, cross-national analyses (Albania, Bosnia and Herzegovina, Bulgaria, Kosovo, Macedonia, Montenegro, Romania). We are pleased to be able to cover in this special section a wide range of the countries in the region of Central

and Eastern Europe, which, as mentioned in the beginning, has only been subjected to limited research so far in this context.

In her paper entitled *Poland: a success story?* Malgorzata Fuzara emphasizes the enormously important role of the women's movement as the driving force behind the successful process of the introduction of gender quotas. The author shows how mobilization around the quota issue has also had a general impact on politics in many other areas and concludes that descriptive representation has become a politicized issue, and the political parties have been eager to demonstrate their supportive stance on it. Considering the question of the effectiveness of gender quotas, she sees Poland as an example of partial success. Her conclusion is based on the observation that on one hand quotas introduced in electoral lists have helped to directly involve many more women in politics and elections, but that on the other hand quota rules that do not prescribe parity nor include any rank order will increase the share of elected women only at a very slow pace.

Milica Antić Gaber and Irena Selišnik in their paper *The Slovene version of a "fast track" to political equality* present and analyze various strategies aimed at encouraging political parties to include more women on electoral lists. Similar to the previous paper, they stress the importance of the broad coalition that was formed in 2001, which brought together a wide range of different actors that supported gender quotas in politics. However, the authors also stress the interaction of the national campaigns in a number of different ways with international and transnational trends. In analyzing the effectiveness of gender quotas, the authors show how the Slovene variant of electoral gender quotas produced a significant improvement in the percentage of elected women, which is why they define the Slovene variant of gender quotas as *firm legislated gender quotas*. The most significant factor that produced this result and that can ensure a consistently higher share of women in parliament is strong sanctions in the form of dismissal if the list is not determined in accordance with the law. This is a serious risk that no party is willing to take, the authors conclude.

The third single country study is described in *The Implications of Gender Quotas in Ukraine: A Case Study of Legislated Candidate Quotas in Eastern Europe's Most Precarious Democracy*. The authors, Laura A. Dean and Pedro A. G. dos Santos, write about a general rejection of gender quotas and several (ten) legislative attempts to introduce gender quotas into law. Nevertheless, after the Law on Local Elections was amended in 2015, a new provision stipulated a 30-percent quota requirement for electoral party lists in municipal elections, but as there were no sanctions for noncompliance, the law remains mostly a symbolic act. The authors demonstrate how the gender quota law has not led to a major increase in women in local office due to the lack of enforcement of the law and major changes to electoral

rules, non-adherence to the law by many political parties and lack of compliance mechanisms to ensure the parties follow the law.

In their comparative article *Women's Representation in Politics in South Eastern Europe: Quotas and Beyond*, Ekaterina Rashkova and Emilia Zankina examine women's representation in six Southeast European countries (Albania, Bosnia and Herzegovina, Bulgaria, Montenegro, Kosovo and Romania). The authors draw several important conclusions. First, there are positive trends across the region, with growing numbers of female MPs in all countries. Second, gender quotas have proved to be effective in some cases, but have not had a uniform effect. And third, the variation in the region cannot be explained by quotas alone, as the data show that an increase in women's representation can take place even in the absence of quotas, as demonstrated by the Bulgarian and the Romanian cases. In addition, the authors point to a regional phenomenon; namely, in contrast to the West, the center and right parties in the region often include as many women on electoral lists as do left parties, but appoint women to higher ranking positions less than their counterparts on the left do.

In their paper entitled *The effectiveness of gender quotas in Macedonia, Serbia and Croatia*, Elena Nacevska and Sonja Lokar highlight the role of broad coalitions of women activists in the process of quota rules adoption and political parties' key role in forming, recruiting and nominating the candidates. The authors conclude that properly designed legislated candidate quotas have a decisive and more sustainable positive influence on boosting the number of women candidates and elected women. They also see some important hindrances to the higher effectiveness of gender quotas in the value matrix dominated by patriarchy, collectivism and family orientation in all three countries. The impact of these values has been detected in voters' attitudes towards women in general elections, where voters have the option of a preferential vote (Croatia). The authors conclude that states need to take additional measures to change traditional values.

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