

THE IMPLICATIONS OF GENDER QUOTAS IN UKRAINE

A Case Study of Legislated Candidate Quotas in Eastern Europe's Most Precarious Democracy

Abstract. *On July 17, 2015 a bill adopted by the Verkhovna Rada, the Ukrainian parliament, introduced a party-level gender quota of 30 per cent in local municipal elections. This paper examines the previous attempts to adopt quotas in Ukraine, as well as, the impact and effectiveness of gender quotas in local municipal elections. We analyze municipal election data before and after the implementation of the gender quota to explore in more detail the factors that influenced compliance and non-compliance with the quota, as well as the impact the quota had on the election of women. We determined that due to an unambitious quota rule with no sanctions for non-compliance, and in spite of a change to a proportional representation electoral system at the local level, women's representation did not significantly increase. We also found that in the post-conflict emerging democracy of Ukraine, the adoption of gender quotas sought to demonstrate that the new regime was more democratic and egalitarian than its predecessor by attempting to align itself with perceived European and International standards but then the ruling political party did not comply with the gender quota.*

Keywords: *Gender Quotas, Ukraine, Women's Representation, Municipal Elections*

Introduction

On July 17, 2015 the Verkhovna Rada, the Ukrainian parliament, adopted a law on local elections with a mandated gender quota of 30 per cent in local municipal elections.¹ Even though some women, such as former Prime Minister Yulia Tymoshenko, have experienced electoral success in Ukraine,

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¹ The authors would like to thank Kostyantyn Bondarenko from the Harvard Ukrainian Research Institute for his formulation of the map for this article.

gender representation in parliament is among the lowest in Eastern Europe. Singular electoral successes such as Tymoshenko's place Ukraine 36th out of 144 countries for the number of years with a female head of state (World Economic Forum, 2016) while they rank 145th out of 187 in the world for women's representation in parliament (Inter-Parliamentary Union, 2016). Although female electoral successes are present in the national legislature and executive, these achievements are not representative of Ukrainian political society which despite slowly increasing the number of women in recent years, has seen a decrease in women's earned income and labor force participation as a result of the revolution and war (World Economic Forum, 2016). Moreover, while gender representation of women at the local level is higher than in the national parliament, women are still a minority in most municipal governments. Explanations for this disparity are linked to the traditional social structures, the reluctance of the women to run for political office (Trojan, 2015), and stereotypes of gender bias among voters and party leaders (NDI, 2016).

This paper examines the implementation of the quota law as well as its impact and effectiveness in the nomination and success of women candidates in Ukrainian local elections. It attempts to determine why gender quotas were adopted and if this was a way for the new regime to demonstrate that it was more democratic and egalitarian than the previous one. This paper situates Ukrainian gender quotas in the global and regional context of quotas worldwide and discusses its influence on women and politics in Ukraine. We analyze local municipal election data before and after the implementation of the gender quota on the highest oblast (regional) level, in oblast city councils, and on the lowest rayon (district) level² to explore in more detail the factors that influenced compliance and non-compliance with the quota, as well as the impact the quota had on the election of women. In total 21,948 electoral outcomes were analyzed on the oblast, oblast city council, and rayon level in Ukraine. We argue that the quota law was adopted in 2015 in order to align with perceived European standards for gender equality, address millennium development goals, and make Ukraine appear more European, Western, and democratic after the Euro-aidan revolution and ongoing war in Donbas. However, the law was a mere attempt by the Ukrainian government and political elite to show some

² *Local election structure in Ukraine is divided into oblasts, rayons, cities and villages. Ukraine has 24 oblasts (regions) with the Autonomous Republic of Crimea and the cities of Kyiv and Sevastopol. Local elections in 2014 were not held due to Russian annexation and war in the Autonomous Republic of Crimea, the city of Sevastopol and in parts of Donetsk and Luhansk regions (oblasts) where "there [was] no possibility to ensure the conduct of elections in line with OSCE standards." Regions are composed of rayons (districts), and the major cities are divided into city districts. Local councils are formed through elections in the oblasts, rayons, cities, city districts, settlements and villages (OSCE, 2014: 1).*

effort towards women's representation without providing concrete ways to increase the number of women elected to local municipalities. Our methodology is to analyze the degree of compliance with the law by individual parties and compare the candidacies and election of women candidates in the last two municipal elections, i.e. before and after the quota law.

In order to explore the consequences of the 2015 gender quota law, we first provide a brief discussion about women in Ukrainian politics. We follow with a discussion about gender quotas worldwide, and how to situate Ukraine's case within the gender quota literature. Next, we provide an overview of the repeated attempts to establish a gender quota law in Ukraine, including a discussion of the language and implementation of the 2015 quota. We then provide a comparison between the candidacies and election of women before and after the gender quota law, focusing on the 2010 (before) and the 2015 (after) elections. We conclude by providing a brief discussion on prospects for future research on women's representation and gender quotas in Ukraine.

Women in the Ukrainian Political Environment

Although quotas are a recent addition to the electoral politics of Ukraine, representation of women in governance has been discussed widely in the literature (Birch, 2003; Hrycak, 2001; Pavlychko, 1997; Rubchak, 2012; Salnykova, 2012). The Soviet regime instituted gender quotas in Ukraine, which led women to hold about half of the seats in oblast and other local positions by the 1980s. The large proportion of women in these institutions did not equate to full political equality (as the Soviet leadership claimed), since women were still severely under-represented in positions of leadership and were devoid of an organizational center for women's rights activists (Hrycak, 2001: 153). Ukraine's experience with women and politics mirrors many other post-Soviet countries, excluding women during the transition from communism. There was a large scale rejection of quotas in the region during and long after the transition because of the links that quotas posed to token female representation under communism (Einhorn, 1993). Although the absolute numbers of female legislators on the national level in Ukraine is small, there has been a gradual increase since independence, from 3 per cent in 1990, 4.3 per cent in 1995, 7.9 per cent in 1998 (Birch, 2003), 5.3 per cent in 2002, 8.7 per cent in 2006, 8.4 per cent in 2007, and 9.4 per cent in 2012 (Inter-Parliamentary Union, 2016). Currently, Ukraine has 12.1 per cent women in parliament on the national level (Inter-parliamentary Union, 2016). Women have been more successful on the local level in Ukraine, comprising up to a third of oblast, city, and village councils (Hrycak, 2001) in the 1990s and early 2000s. During this time, the local councils lacked real

power and were poorly funded (Hrycak, 2001) but recent developments moved to decentralize power and provide more money to the oblasts.

Traditional gender roles permeated electoral politics in the post-Soviet period, in an attempt to reject socialism and promote nationalist ideas that left women behind (Birch, 2003). However, changes in national level electoral systems from single-member to a mixed electoral system (half of the seats elected by proportional representation (PR) and the other half by single-member single district) and the emergence of leftist political parties led to an increase of women in parliament to 7.9 per cent in 1998 (Birch, 2003). The changes made to the proportional representation system were ineffective and demonstrated that a PR system was not “a crucial force for the advancement of women’s representation in Ukraine” (Salnykova, 2012: 93). Public opinion surveys pointed to a marked decrease in women’s political activity since the 1980s and 1990s (Pavlychko, 1997) but this activity has shifted and started to increase in recent years. Bias among political party leaders was identified as one of the key barriers to the election of woman compared to the more widely held stereotype of gender bias among voters (NDI, 2016).

Similar to many other countries, non-governmental organizations in Ukraine have been the political outlet for women excluded from formal politics (Phillips, 2008). To many in the political arena, gender equality was a concept already achieved in society and one politician even argued that women in Ukraine were over emancipated (Hrycak, 2001). Thus, there was a wide spread rejection of Soviet-style and newer Western-style gender equality policies by subsequent Ukrainian governments (Hrycak, 2001). Although women’s organizations in Ukraine are plentiful they lack a unified movement for parity in politics. This is due to funding issues, diverging priorities between feminist and traditional family oriented organizations, and the goals of foreign donors who support other urgent issues such as human trafficking (Hrycak, 2001), where these NGOs have been quite influential in policy adoption (Dean, 2016).

Quotas Worldwide and Ukraine in a Global Context

Similar to other post-conflict societies that adopted gender quotas to seem more democratic and demonstrate democratic values, Ukraine’s post-Maidan revolution and current war regime sought to demonstrate its democracy by adopting gender quotas in local elections. Gender quotas are seen as one of many possible tools to strengthen gender-based equality in post-conflict countries (Zuckerman and Greenberg, 2004). Nevertheless, the adoption of gender quotas is not a unique characteristic of post-conflict countries. As of 2014, a total of 118 countries apply some kind of gender quota for an elected office (Dahlerup et al., 2013).

The literature on gender quotas has expanded with the growth of gender-equality policies established throughout the world in the past two decades. Following an emerging global discourse connecting democracy to social diversity in political institutions that became widely popular after the 1995 Beijing Conference (United Nations' "Report on the Fourth World Conference on Women", 1996), a number of countries adopted policies seeking the inclusion of women in legislative bodies (Dahlerup and Friedenwall, 2005; Htun, 2016; Krook, 2010). Since this rise in policies targeting women's representation in political bodies occurred, theory and empirical testing regarding gender quotas has also grown considerably. Discussions on the efficacy of quota provisions in increasing women's presence have been at the forefront of these scholar debates (see, for example Dahlerup, 2006; Jones, 1998; McAllister and Studlar, 2002; Schwindt-Bayer, 2009; Tripp and Kang, 2008). The literature has shown that electoral institutions and party dynamics play an important role in making quota provisions "work."

Gender quotas fall into three main categories: reserved seats, voluntary party quotas, and legislative candidate quotas (Quota Project, 2016; Krook, 2010; Norris, 2004). Voluntary party quotas do not involve any changes in electoral laws, as they are adopted voluntarily by one, some, or all political parties in a country. Legal quotas (like the legislative candidate quota used in Ukraine) are common throughout the world and these policies tend to require—based on electoral law or constitutional requirement—parties to nominate a certain proportion of women candidates (Krook, 2010).

The bulk of research on gender quotas has happened at the national level, with a few cross-national studies about sub-national elections (see, for example Ortals, Rincker, and Montoya, 2012; Vengroff, Nyiri, and Fugiero, 2003). This paper will contribute to the growing discussion of gender quotas at the sub-national level, as well as contributing to a discussion of gender quota implementation in countries that have gender quotas only at the sub-national level. More specifically, we discuss the previous attempts to establish a gender quota law in Ukraine and the consequences of adopting local gender quotas in the election of women. Ukraine is one of eight countries³ in the world that have legislative candidate gender quotas for local/sub-national level elections without passing a similar policy for national level elections (The Quota Project, 2016).

The Repeated Attempts to Adopt Gender Quotas in Ukraine

Although there was a general rejection of gender-based quotas since independence, there have been approximately ten legislative attempts to

³ The other countries are India, Italy, Mauritius, Namibia, Philippines, South Africa, and Vanuatu.

introduce gender quotas into electoral law (Kostiuchenko et al., 2015). Quotas on the party level were introduced by the Green Party of Ukraine in 2002 and 2006 as a way to appeal to women voters. Although the literature suggests Green Parties around the world have party level quotas due to ideology (Gharton, 2015), the Green Party of Ukraine does have similar feminist egalitarian traditions and only utilized quotas as a vote getting tactic. The party sought to draw in voters with “zipper quotas” where female and male candidates alternate all through the list, but the party failed to meet the three per cent threshold and the quotas were scrapped by 2007 (Salnykova, 2012). According the Salnykova, the party level quota demonstrated that prioritizing gender was not useful for minority parties winning seats (2012). No political parties represented in the parliament in 2010, included mechanisms for gender equality in their party manifesto or charter (Kovryzhenko, 2010).

Gender quotas were again discussed in the 2012 parliamentary election campaign but were dismissed by party leaders as unpopular and “an undemocratic tool reminiscent of totalitarian regimes” (Kostiuchenko et al., 2015: 87). The approach then moved from specific political parties to overall national level mandates. In 2010 amendments were introduced, seeking to present a quota of at least 20 per cent women in elected state bodies. The proposal ultimately did not garner the votes needed for adoption (Ukrainian Women’s Fund, 2011).

An amendment to the *Law on Political Parties* in Ukraine in 2014 was adopted, stipulating a 30 per cent quota requirement for electoral party lists. (Amendments to Legislative Acts, 2014). However political parties did not follow this requirement, as no sanctions were imposed for non-compliance, making it mostly a symbolic act without any specifics or mechanisms for enforcement (Karbowska and Kolkovska, 2015). Without clear mechanisms for sanctioning parties, gender quotas tend to be less effective in increasing women’s representation (see, for example, Dahlerup and Friedenvall, 2011; Schwindt-Bayer, 2009; Wylie and dos Santos, 2016). Critics argued that the amendments were general with no specifications for implementation and most political parties were unaware of this change or chose to ignore it (Karbowska and Kolkovska, 2015). In fact, 20 of the 29 parties in the parliamentary elections in 2014 failed to comply with these requirements and those parties that adhered to the quota principle placed women far down party lists (Trojan, 2015). This law was amended in 2015 when the municipal quotas were adopted (*On Political Parties in Ukraine*, 2015), and then the language was edited to signify that it only applied to local councils which made the original quota obsolete.

An attempt to amend the gender quota rules was submitted in 2015 by the members of the ‘Equal Opportunities’ Inter-Faction Union. This union

is a non-partisan caucus in parliament formed in 2011 that promotes legislative initiatives aimed at ensuring gender balance and respect for equal rights of men and women in accordance with European Union requirements (Equal Opportunities Caucus, 2016). A moderate rank order rule was inserted in the law: it proposed “no less than 30 per cent and no more than 70 per cent of representatives of each gender will be among the top ten candidates of the electoral list and no more than 60 per cent of the each gender will be among the top five candidates of the electoral list” (Equal Opportunities Caucus, 2015a). The bill supported by the caucus was referred to the Committee on Legal Policy and Justice and never made it out of committee. There were objections to the bill regarding compliance with the quota and the refusal of party lists that do not comply by the Central Election Commission (CEC) (Scientific Expert Department, 2015). All of these previous legislative attempts were focused on the national Verkhovna Rada level but the next section will demonstrate how proponents were finally successful on the municipal level.

The Adoption of Gender Quotas in Ukraine

Despite these previous attempts, there was a sense of urgency leading up to 2015 as Ukraine sought to adhere to its international obligations prescribed in the United Nation’s Millennium Development Goals (MDGs). Signed by Ukraine in 2000, these goals stipulated that by 2015 at least 30 per cent of seats held in political bodies must be held by members of both sexes (Martsenyuk, 2011). Local election law reform was on the government’s agenda in Ukraine after coalition parties were elected in a snap parliamentary election for the Verkhovna Rada on October 26, 2014 (Fitzgerald, 2015). The parliament waited until the last minute, before the end of the current parliamentary session, to adopt this local election legislation on July 17, 2015. The ensuing law was a 150-page document where amendments on gender quotas were added very unceremoniously in the rush leading up to the municipal elections. Most of the controversy concerning the law was surrounding the disenfranchisement of Internally Displaced Persons (IDPs) and the lack of voting opportunities for those residing in occupied territories. In fact, few news stories on the law even mentioned the gender quota provisions and if they did it was simply an addendum to the more controversial elements of the law.

The amendment was not included in the original version of the bill and was inserted in Article 4 on equal suffrage, which outlines provisions for the equal rights and opportunities to participate in the electoral process for citizens of Ukraine. Section 3 of Article 4 is the gender quota provision which states that “representation of persons of the same sex in the electoral lists

of candidates for deputies of local councils in multimember constituencies must be at least 30 per cent of candidates in the electoral list" (Law on Local Elections, 2015). Thus, the gender quota is not identified specifically as a gender quota in the law, a technique used in a number of other countries to avoid protest or opposition to the quota (Krook, 2010; Santacreu-Vasut et al., 2013). This language could also demonstrate the lack of importance that this provision possessed in the wider law. The amendment on gender quotas was one of 198 amendments (Committee Report, 2016). It was added in the second reading of the bill by Olena Kondratiuk from the All-Ukrainian Union 'Fatherland' and a co-chair of the 'Equal Opportunities' Inter-Faction Union. Although it was introduced by Kondratiuk, it was supported by a number of other members of parliament including the co-chairs and members of this caucus, who actively lobbied for their incorporation through meetings and consultations with the President of Ukraine, the Chairperson of the Verkhovna Rada of Ukraine, members of the Parliamentary Committees and representatives of civil society and NGOs (Equal Opportunities Caucus, 2015b). Therefore, although the gender quota was not identified as a quota and amended into the bill with a number of other amendments, it did not have the same kind of obstacles as previous bills. The amendment's sponsorship by the 'Equal Opportunities' Inter-Faction Union, a caucus whose goal is to promote the equal rights of men and women in accordance with European Union requirements, the international obligations that Ukraine faced under the MDGs, and the fact that the new government was trying to appear more democratic and Western after the Euromaidan revolution that called for inserting these kinds of values into Ukrainian society, all facilitated the adoption of the quotas.

In order to align the quota law with other pieces of Ukrainian legislation, the law *On Political Parties in Ukraine* was amended, adding the requirement for political parties to gender quotas in their party manifestos or charters of at least 30 per cent of candidates in the electoral list (*On Political Parties in Ukraine*, 2015). Although there are no specific sanctions for non-compliance with the gender quotas listed in the legislation there is a stipulation that territorial (local) elections commissions can cancel the registration of candidate lists for any party that does not comply with the law (*Law on Local Elections*, 2015). This means that these commissions have the power to remove any political party that does not comply with the quota from party lists in their territory. Gender activists hoped to capitalize on this article to ensure compliance with the gender quota however, the CEC adopted a resolution stating that failure to comply with the quota requirement is not enough to cancel a party's candidate list for the 2015 elections. The argument was based on the fact that the quota provision was not included in the new electoral law's list of grounds for refusal of candidate registration

(CEC, 2015a). This resolution was challenged in court by gender advocates and initially overturned. Then this decision was appealed by the CEC in the High Administrative Court of Ukraine which upheld the initial CEC decision (CEC, 2015a). Consequently, the one enforcement loophole that gender advocates had found to enforce the law was now gone.

In summary, the successful gender quota provision, a simple amendment to the local elections law requires representation on the electoral lists of candidates for deputies of local councils in multimember constituencies to be at least 30 per cent of candidates of the same sex (Law on Local Elections, 2015). This quota fits into the legislative candidate category of quotas requiring parties to nominate 30 per cent women to the electoral lists on the municipal level in Ukraine. The lack of enforcement for the quota law, and the CEC's decision to deny an enforceable penalty to parties not complying, shows the complexity of establishing new electoral laws and the symbolic nature of the gender quota law in Ukraine. The quota amendment seems to be an afterthought for most involved in the establishment of electoral laws. While the inclusion of the language was a victory for women's equality groups such as the 'Equal Opportunities' Equal-Faction Union, the CEC's decisions shows that the establishment of an enforceable legislative quota law in Ukraine is not a reality. Therefore, while there is clear language in the new electoral law urging parties to include more women in their candidate lists, there is little incentive for parties to modify their behavior. Adding a toothless gender quota law to a newly established electoral system provided little incentive for parties to seek more women to run *and win* in local elections.

2015 Local Elections: The Impact of the Gender Quota Amendments

The law on local elections, in addition to implementing a gender quota introduced a number of other institutional changes to municipal elections in Ukraine, as displayed in Table 1. One of the biggest changes in the law on local elections was concerning institutional arrangements and the shift from majoritarian to a pseudo open list PR system, with some areas experiencing three different types of electoral systems (Office for Democratic Institutions and Human Rights, 2015). Under the new law, "mayors, settlement and village councils are directly elected under a majoritarian system; by a first-past-the-post system in villages, settlements and cities with less than 90,000 voters and a two-round system for mayoral elections in cities with 90,000 and more voters" (OSCE, 2015: 4). Oblast, rayon, and city councils are elected under a pseudo open list multi-member PR system with candidate lists developed by the political parties (OSCE, 2015). Despite being labeled as an open list

system, voters are not given the possibility to choose among different candidates (OSCE, 2015). Parties are not required, however, to provide a party list larger than one, meaning that they can provide a list featuring only one candidate which can ineffectually defeat the purpose of an open list if there is no choice amongst the candidates. This problematic institutional structure impedes the implementation of the gender quota legislation because if the quota mandates 30 per cent of the candidates on party lists should be from one gender, only nominating one candidate does not fulfill this mandate.

The law also reduced the size of local councils and the composition of oblast, rayon, city, and villages was simplified with a minimum of 12 council members in locations with up to 1,000 voters and 120 council members in locations with over 2 million voters (OSCE, 2015). According to parliamentary documents the law aimed to “contribute to the democratization of the electoral process and ensure a more effective mechanism for implementation and protection of rights of citizens of Ukraine” (Explanatory Note, 2015). However, critics of the law said that by reducing the size of the local councils, candidates have to run in a city or town wide campaign rather than in just their neighborhood (Mefford, 2016) which influences the representation of minority parties and women since they will not perform as well. Blocs of parties, where parties can unite in a single electoral list are also banned in the municipal elections (Mefford, 2016) which could influence women’s ability to be elected.

Quota research has demonstrated that quotas are the most effective for women with closed list PR systems and high district magnitudes (Krook, 2010). Therefore some of these electoral changes are more advantageous for the representation of women but there are some limitations. The switch from a majority system to first-past-the-post in mayoral and village and settlement councils is not likely to produce more women as research has shown that women are less likely to be elected under plurality/majority systems than under a PR system (Inter-Parliamentary Union, 2016). Similarly, the reduced size of local councils, oblast, rayon, city, and villages will also not likely result in large increases for women as higher district magnitudes with a larger number of seats have been the most effective for the election of women (Krook, 2010). However, the shift from the mixed proportional representation-plurality system to a complete PR system and from single member to multi-member constituencies on the oblast, rayon, and city council levels is likely to produce more women. The literature shows that closed lists are the most effective for women (Krook, 2010), but the pseudo open list without preferential voting at this level could be beneficial for women since voters cannot choose among different candidates. The limitations of these quotas include the lack of sanctions for compliance and that the PR electoral system changes only applied to oblast, rayon, and city

councils leaving out village and settlement councils. These limitations further complicated the electoral rules at different levels of governance which could confuse voters who barely had enough time to understand these new changes before the election.

Table 1: MUNICIPAL ELECTORAL RULES IN 2010 AND 2015

Level of Governance	2010	2015
Mayors	Majority system with single member single district constituencies	First-past-the-post (FPTP) and a system of absolute majority (two rounds system). Two-round system for mayoral elections in cities with 90,000 and more.
Village and Settlement Councils	Majority system with single member single district constituencies	First-past-the-post system in villages and settlements and cities with less than 90,000.
Oblast, Rayon, City Councils	Mixed proportional representation-Plurality system with one half of the local council deputies elected under proportional (party list) system in multi-mandate constituencies and the other half under plurality single member constituencies.	List proportional representation system used for electing oblast, rayon and city councils with more than 90,000 register voters. Allocation of seats to parties is made by using election quota (modified Hare quota). A pseudo open list was used but modified, without preferential voting.

Sources:

Law on the Local Elections, 2015.

ENEMO (European Network of Election Monitoring Organizations) (2015): European Network of Election Monitoring Organization International Observation Mission to Ukraine Local Elections 2015 Statement of Preliminary Findings and Conclusions.

Office for Democratic Institutions and Human Rights (2015): Ukraine, Local Elections, 25 October 2015: Needs Assessment Mission Report.

In Ukraine, women were traditionally better represented on the local level at the lowest political tiers averaging 18 per cent among different levels of elected councils (Kalandadze, 2016). The cumulative comparative results for women’s representation on the oblast, rayon, city, village levels in 2010 and 2015 are displayed in Table 2. The 2010 results suggest that women have performed the best in village councils (51 per cent) where they have reached parity and small village settlements (46 percent). This table demonstrates the overall impact of the 30 per cent gender quota on electoral outcomes in Ukraine. It shows that women did marginally better on the oblast

(an overall increase of 3 per cent) and rayon levels (an overall increase of 1.1 per cent) improving their overall representation but that they did much worse on the oblast level city councils with an almost 10 percentage point decrease. Data from the village councils and small village settlements was not available for the 2015 results but the table demonstrates historically women have fared much better at the lowest levels of governance. According to the CEC, in the election of 2015 there was a relationship between city size and women's representation as the bigger the city the fewer women elected and the higher the level of political power the fewer women elected to political positions (CEC, 2015a).

Table 2: PERCENTAGE OF ELECTED WOMEN IN LOCAL COUNCILS IN UKRAINE 2010 AND 2015

	Oblast Councils	City Councils Oblast level	District or Rayon Councils	Village Councils	Small Village Settlements
2010 Local Election	12%	28%	23%	51%	46%
2015 Local Election	15%	18.1%	24.1%	NA	NA
Percent Change	+3%	-9.9%	+1.1%	NA	NA

Sources:

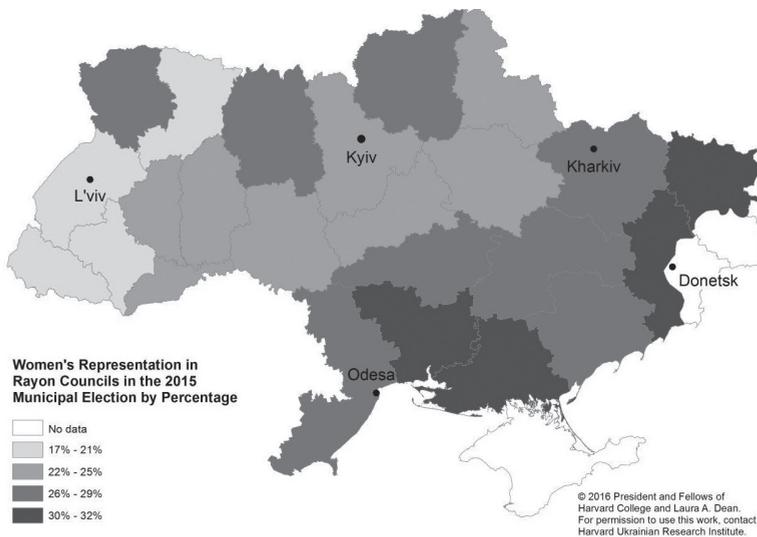
Kantor Management Consultants (2015): Short-Term High Quality Studies to Support Activities under the Eastern Partnership.

Central Election Commission (2015a): Gender Monitoring at Local Elections in Ukraine 1st Statement.

Only eight oblasts met the 30 per cent gender quota for candidates in the oblast councils, the highest level of power in the local elections. This translated into no oblasts electing more than 30 per cent of women in 2015. However, overall oblast councils saw an increase in women's representation from 12 per cent in 2010 to 15 per cent in 2015. Khmelnytskyi had the highest percentage of women's representation in oblast councils with 21.4 per cent while Odesa had the lowest with 9.5 per cent (CEC, 2015a). On the oblast city council level women did marginally better but cumulatively still did not surpass the 30 per cent gender quota and the percentage of women at this level of governance decreased. The highest proportion of women elected was 33.3 per cent in the Chernihiv City Council while the lowest was in Uzhhorod with 8.3 per cent (CEC, 2015a). Despite the fact that Chernihiv was the only city council to meet and exceed the 30 per cent gender quota according to the CEC 11 of 22 city councils improved their gender balance (CEC, 2015a) which also means that half did not improve.

On the rayon level, the average of women's representation increased slightly to 24.1 per cent from the 2010 election. Figure 1 displays the aggregate rayon council average across each oblast. Donetsk oblast had the highest level of women's representation in rayon councils across the oblast at 32 per cent followed by Kherson, Luhansk, and Mykolayiv with approximately 30 per cent. These four oblasts were the only oblasts that met the gender quota on the rayon level. Two of these oblasts are also those affected by the war. Some potential causal factors for this could include that fewer men ran for political office because they are possibly serving at the front or because elections were held in only a portion of those oblasts. Unfortunately, it is difficult to narrow down the cause for this above average gendered representation on the rayon level. A closer look at the political parties that won seats in this region shows that the Opposition Bloc won nearly all of the rayon councils in these two oblasts and they were responsible for 54 per cent of the women that were elected to the rayon councils. This political party is the successor to the Party of Regions, party of the former deposed president Viktor Yanukovich and did not endorse the Euromaidan revolution. Thus, it is surprising that a party that does not embrace European and Western values complied with the gender quota legislation when the ruling parties did not and produced a number of rayon councils which on the aggregate average oblast level elected more women, as displayed in Figure 1.

Figure 1: WOMEN'S REPRESENTATION IN RAYON COUNCILS IN THE 2015 MUNICIPAL ELECTION BY PERCENTAGE



Sources: The data for this map were gathered utilizing Central Election commission (2015b): Local Election Results 2015.

However, a few other oblasts came close to Donetsk, Luhansk, Kherson, and Mykolayiv such as Zaporizhya with 29 per cent and Dnipropetrovsk with 28 per cent. The oblasts with the lowest representation for women at the rayon council level were L'viv (17.3 per cent), Zakarpattia (17.5 per cent), and Ivano-Frankivsk (17.9 per cent). In fact, with the exception of the Volyns'ka (27.2 per cent) all of the oblasts in Western Ukraine were approximately 10 points lower than their counterparts in Eastern Ukraine as displayed in Figure 1. Although this region of Ukraine is predominantly Russian speaking these regional differences most likely have more to do with the political parties that dominate the respective regions and that party's adherence to the gender quota than cultural and political differences between the two areas of Ukraine. Still, it is an important geographical difference to note with the implementation of municipal level gender quotas. At least on the rayon level we can see oblasts in the east electing more female representatives than the electorate in Western Ukraine.

Party level compliance is also an important caveat to the implementation of local gender quotas in Ukraine. According to the CEC, the level of women's representation in party lists for city councils in Kyiv and oblast centers across Ukraine was on average 32.1 per cent and the quota was fulfilled on 310 of 430 lists around the country, meaning that some political parties did not comply with the law (CEC, 2015a). Table 3 breaks down compliance with the gender quota by political party. It also displays the outcome of the election, the percentage of seats won in the local elections and the percentage of women elected from that political party. From the table it is evident that gender quotas did not translate into electoral success for some parties. Although most parties adhered to the quota for party lists, the party that had the fewest women on their lists, the Petro Poroshenko Bloc Solidarity, performed the best in the election. This result is rather puzzling since on the national level, the Petro Poroshenko Bloc Solidarity has the largest number of elected women with 17 deputies constituting over one-third of the female deputies in Verkhovna Rada with Self-Reliance Union in second with 12 female deputies. According to the Women's Consortium of Ukraine, most parties increased the number of women candidates compared to past elections, but the smaller parties showed a higher rate of compliance with the 30 per cent quota (2015). Overall, 18 per cent women were elected across Ukraine in the local elections while 32 per cent were nominated as candidates (Women's Consortium of Ukraine, 2015).

Table 3: WOMEN'S REPRESENTATION BY POLITICAL PARTY

Political Party	Percentage of Women on party lists*	Percentage of Seats won by women in local election**	Percentage of Seats Won in Local Election by the political party	Party Ideology
All-Ukrainian Union Svoboda	31.4%	16.9%	6.8%	Right
All-Ukrainian Union Fatherland	30%	20%	12.1%	Right
Petro Poroshenko Bloc Solidarity	23.2%	18.9%	19.5%	Centre-Right
Self-Reliance Union	33.8%	27.4%	6.4%	Centre-Right
Ukrainian Union of Patriots (UKROP)	30.8%	23 %	7.3%	Centre-Left
Opposition Bloc	31%	22.3%	11.5%	Centre-Left
Renaissance	31.8%	27.2%	5.4%	Centre-Left
Our Land	29.2%	24.3%	0%***	Centre-Left
Oleh Liashko	29.8%	21%	6.7%	Left

Party ideology was listed according to how the political parties identify themselves. Political parties in Ukraine do not follow the normal right left ideology and instead are governed by geographic, linguistic, and cultural (pro-European and pro-Russian) ideologies.

* The percentage of women on party lists in oblast and oblast city councils.

** The data were obtained from Women's Consortium of Ukraine and only included results from 15 of the 22 oblasts.

*** Although this party did not meet the 5 percent threshold over all they were awarded a number of seats in oblasts where they passed this threshold.

Sources:

Central Election Commission (2015b): Local Election Results 2015.

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Women's Consortium of Ukraine (2015): Аналітичний Звіт «Гендерний Моніторинг Місцевих Виборів 2015 Року В Україні» Підготовлено І Видано ВГО «Жіночий Консорціум України» У Партнерстві З Міжнародним Інститутом Демократії І Підтримки Виборів.

Self-Reliance and Renaissance had the highest number of women elected to office in Ukraine on the oblast, oblast council, and rayon levels with 27 per cent women. However, overall these parties did not gain many seats so the representation of women was muted. Still, the fact that most of the parties complied with the quota increased the representation on some levels more than others. The Women's Consortium of Ukraine offered a positive analysis of the election for women "the goal of 30 per cent representation of persons of the same sex in the election of same sex candidates in local councils at the levels studied, was achieved" (Women's Consortium of Ukraine, 2015: 31).

One of the biggest reasons for the failure to elect more women to local councils was due to the lack of compliance by many political parties. Another

reason has to do with the way the law was structured with no compliance mechanisms to ensure parties followed the law. There were reports of some territorial election commissions refusing political party list registrations if they did not comply with the quota but their refusals were challenged in courts by the political parties, as explained above, and the outcome forced the commission to register the party lists (CEC, 2015a). Realizing the lack of enforcement mechanisms in the current quota law on the local level, gender advocates lobbied for another provision pertaining to gender in yet another electoral law on the national level. This time they aimed to force political parties to comply with a gender 40 per cent quota through monetary measures on the national level. The law on political finance reform designated an additional allocation of 10 per cent of the total amount of annual public funding for political parties that have no more than 60 per cent of either gender among their elected members of parliament (Council of Europe, 2016). Although this law will only be realized after the next parliamentary elections, scheduled for 2019, these monetary incentives could be an effective way to entice political parties to comply with the quota and ensure that women are properly represented in the legislature (Council of Europe, 2016). This example demonstrates another possible avenue used by gender advocates to increase the participation of women on the national level in Ukraine. However based on the lack of compliance and the absence of sanctions with the current local level quota legislation it is unlikely to produce any real change in women's representation on the national level unless there are measures to ensure political parties conform or effective rank order rules.

Conclusion

The 2015 municipal elections in Ukraine featured a number of major changes to the electoral system including a move from majoritarian elections to multi-member pseudo open-list proportional representation elections in local legislative positions. Hidden within major changes and other controversial elements limiting the right to vote for IDPs was the establishment of a gender quota provision. The lack of enforcement of the gender quota law, coupled with the major changes to electoral rules, led to minimal change in the number of women elected to local legislative offices in Ukraine in 2015. This paper described the establishment of the quota law, the lack of enforcement for the law, and the candidacy and election of women to local councils. In this initial analysis of the quota law in Ukraine it is clear that the gender quota law has not led to a major increase of women in local office.

By examining aggregate results of candidacies and election outcomes for specific positions (oblast, rayon, and city councils), this paper provides

an analysis of the role the gender quota law played in the candidacy and election of women in the largest East European country. Although Ukraine has oscillated back and forth between different levels of democracy, this case study offers an interesting example of the effect of gender quotas on a newly emerging post-revolution democratic regime in the midst of a war within its borders. Future studies should build on this analysis by examining village council and small village settlements data, candidate level data, and party/oblast level data to explore the dynamics present in the nomination and election of women to local legislative office in Ukraine. It could also further examine the dynamics of political parties and party performance in the implementation of gender quotas.⁴ A comparative study of specific regions within the country and the role political parties and party leaders play in the candidacy and election of women can also help elucidate how gendered dynamics play out differently among parties and regions of the country.

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⁴ *Thank you to an anonymous reviewer for bringing this to our attention.*

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