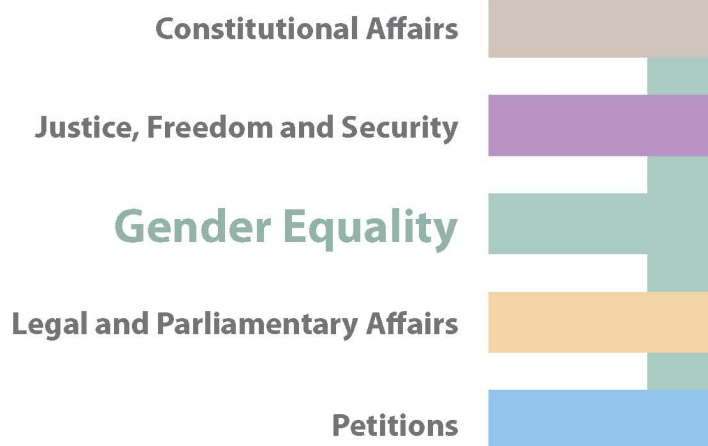


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



Electoral Gender Quota Systems and their Implementation in Europe Update 2013

NOTE



DIRECTORATE GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT C: CITIZENS' RIGHTS AND
CONSTITUTIONAL AFFAIRS

GENDER EQUALITY

Electoral Gender Quota Systems and their Implementation in Europe

Update 2013

NOTE

Abstract

The note is an updated version of the 2011 study *Electoral Gender Quotas and Their Implementation in Europe* (PE 408.309), and it maps the diffusion of electoral gender quotas in the 30 EU/EEA countries and evaluates the effectiveness of different quota types in different electoral systems. The note shows that legislated quotas are implemented in eight countries and party quotas in 14 (additional) countries. It also shows that some gender quotas have resulted in major leaps in women's representation, while others had led to almost no change.

In general, the note reveals a mixed picture in Europe when it comes to women's representation. It shows that women's parliamentary representation only increased from 23.6 per cent in 2008 to 24.7 per cent in 2011 to 25.6 per cent in 2013. In the most recent parliamentary election in 19 of the countries as well as in the election to the European Parliament women's representation increased. Four countries experienced stagnation, and in seven of the countries women's share of the MPs dropped.

This document was requested by the European Parliament's Committee on Women's Rights and Gender Equality.

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SUMMARY

The note maps the diffusion of electoral gender quotas in the 30 European Union (EU)/European Economic Area (EEA) countries and lists the many different types of quotas in use. The note shows that eight member states in the EU/EEA have introduced electoral gender quotas by law – most recently Greece and Ireland – and that in about half of the additional EU/EEA countries some of the political parties have adopted voluntary party quotas for their electoral lists.

The note shows that electoral gender quotas have led to rapid increases in women's representation in some cases but to less successful results in other cases. The main conclusion is that, in order to be effective, a quota system must be compatible with the electoral system in place and that quota rules - for example, of 40 per cent women on electoral lists – must be supplemented with rules concerning rank order as well as – in the case of legislated quotas – effective legal sanctions. The note also shows that while the last years have seen a general increase in the number of women in decision-making in Europe, the increase is small – from 23.6 per cent in 2008, to 24.7 per cent in 2011 and to 25.6 per cent in 2013. Thus, women continue to be a minority in the political spheres, and political power still rests in the hands of men.

Quotas are one among many measures for increasing women's political representation. In addition to quotas, there are a number of additional strategies available to stimulate gender balance in elected bodies. In general, the political parties are the gatekeepers to gender balance in political decision making because they control 'the secret garden of nominations'.

1. FREQUENCY OF QUOTAS IN EU-27 AND EEA

1.1. Introduction

Today women constitute 20.4 per cent of the members of national parliaments around the world (www.ipu.org). Given the slow speed by which the number of women in politics has been growing, there have been increased calls for more efficient methods to address the problem of women's under-representation and reach a gender balance in political institutions. Electoral gender quotas represent one such mechanism, introduced in more than 100 countries across the world (www.quotaproject.org). Electoral gender quotas take two main forms: legislated quotas and party quotas. *Legislated quotas* (also called legal quotas) are implemented through reforms to electoral laws (sometimes constitutions), requiring that all parties nominate a certain proportion of women candidates.¹ *Party quotas* (also called voluntary party quotas) are commitments made by individual political parties to include a certain percentage of their own women party members among its candidates for election. They are usually implemented by party congresses through party statutes, party programs and additional party rules. Legal quotas and party quotas may target any of the three stages in the candidate selection process: aspirants, candidates and elected representatives.

In Europe, as in the rest of the world, women are still under-represented in political decision-making assemblies. Today, in 2013, women constitute 25.6 per cent of the members of national parliaments in Europe (www.ipu.org). A third – or eleven of the 33 countries across the world that have 30 per cent or more women in their national parliaments - are European. Until recently, Europe has not been in the forefront of the new global trend to adopt electoral gender quotas. During the last decade, however, many new measures have been adopted also in a European context. While reserved seats are not used in Europe, legislated quotas, party quotas, as well as many 'soft' quota provisions such as recommendations and targets have been introduced in order to achieve gender balance in political assemblies.

This note investigates the adoption of electoral gender quotas, their implementation and their effects on women's political representation in the European Union (EU) and European Economic Area (EEA) countries². The focus is on the adoption of electoral gender quotas at the national level (lower house or unicameral parliament). Quotas introduced for the European parliament elections or quotas for regional and local political assemblies will not be considered.

¹ In some countries, a certain amount of parliamentary seats are reserved for women and these cannot be contested by men. These so-called *reserved seats* are enacted via constitutional provisions, and sometimes through electoral laws.

² The following countries are included in this study: the 27 EU member states – Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden and the United Kingdom – and the three EEA members – Iceland, Liechtenstein and Norway.

1.2. Women's political representation in national assemblies

Table 1 provides an overview of women's representation in national assemblies in the EU/EEA countries.

Table 1: Women's representation in national parliaments in the EU/EEA countries: level of representation, quota type and electoral system (lower house or unicameral parliament)

Election day figures

Country	Women's representation (latest election)	Type of quota	Electoral system
<i>Above 40%</i>			
Sweden	45.0% (2010)	Party quotas	List PR
Finland	42.5% (2011)	No quotas	List PR
<i>39 – 30%</i>			
Iceland	39.7% (2013)	Party quotas	List PR
Norway	39.6% (2009)	Party quotas	List PR
Denmark	39.1% (2011)	No quotas	List PR
Netherlands	38.7% (2012)	Party quotas	List PR
Belgium	38.0% (2010)	Legislated quotas	List PR
Spain	36.0% (2011)	Legislated quotas	List PR
Germany	32.9% (2009)	Party quotas	Mixed
Slovenia	32.2% (2011)	Legislated quotas	List PR
<i>29 – 20%</i>			
Portugal	28.7% (2011)	Legislated quotas	List PR
Italy ^a	28.4% (2013)	Party quotas	List PR
Austria	27.9% (2008)	Party quotas	List PR
France	26.9% (2012)	Legislated quotas	TRS
Lithuania	24.5% (2012)	Party quotas	Mixed
Poland	23.7% (2011)	Legislated quotas	List PR
Latvia	23.0% (2011)	No quotas	List PR
Bulgaria	22.9% (2009)	No quotas	Mixed
United Kingdom	22.5% (2010)	Party quotas	FPTP
Czech Republic	22.0% (2010)	Party quotas	List PR
Luxembourg	21.7% (2009)	Party quotas	List PR
Greece	21.0% (2012)	Legislated quotas	List PR
Estonia	20.8% (2011)	No quotas	List PR
Liechtenstein	20.0% (2013)	No quotas	List PR
<i>19 – 10%</i>			
Slovakia	18.7% (2012)	Party quotas	List PR
Ireland	15.1% (2011)	Legislated quotas	STV
Malta	14.3% (2013)	Party quotas	STV

Romania	13.3% (2012)	Party quotas	Mixed
Cyprus	10.7% (2011)	Party quotas	List PR
<i>Below 10%</i>			
Hungary	8.8% (2010)	Party quotas	Mixed
Average women's representation	2008: 23.6% 2011: 24.7% 2013: 25.6%		

^a Italy had a legislated quota for the National assembly 1987 – 2001.

Electoral systems

FPTP = First Past The Post; List PR = PR system with party lists including several candidates; Mixed = A combination of PR and single-member electoral districts; STV = Single Transferable Vote; TRS = Two-Round System. The electoral system classifications used here follow IDEA Glossary of terms <<http://www.idea.int/esd/glossary.cfm>>, 2011-06-08 See *Electoral System Design: The New International IDEA Handbook* (Stockholm: International IDEA, 2005).

Key to quotas:

Legislated quotas (also called legal quotas) are written into constitutions and/or electoral laws. Party quotas are voluntary measures adopted by individual political parties. If at least one party represented in the national parliament uses quotas for its electoral lists, the country is listed here as a country with voluntary party quotas. *Sources:* Inter-Parliamentary Union, 2013, <<http://www.ipu.org>>; International IDEA and Stockholm University, 2013, <<http://www.quotaproject.org>>; official statistics, election-day figures – i.e. changes that have occurred after Election Day – are not included, which explains some discrepancies between this table and <<http://www.ipu.org>>.

Table 1 shows that ten countries have more than 30 per cent women in their parliament (single or lower chamber). That is one more country over the 30 percent line than in 2011, but the same as in 2008. If gender balance is conceptualized as a proportion of 40–60 percent of either sex, only Sweden and Finland have gender balanced national parliaments. Iceland and the Netherlands, which passed the 40 per cent threshold in 2008, have now both fallen below. Consequently, there are less gender balanced national parliaments today than in 2011.

Fourteen countries have more than 20 per cent (but less than 30 per cent) women in their parliaments. That is five more countries over the 20 percent line than in 2011. Five countries have more than 10 per cent (but less than 20 per cent), and one country has less than 10 per cent women. Compared to 2011, the number of countries with more than 10 per cent women parliamentarians has decreased from 14 to 10, and the number of countries with less than 10 percent female MPs has decreased from two countries to one country.

A general conclusion that can be drawn from Table 1 is that the proportion of women parliamentarians has increased, particularly from lower levels (below 20 per cent) to less lower levels (below 30 per cent). At the same time, less countries than in 2011 are gender balanced (within the 40-60 percentage span). Thus, although progress has been made, gender balance is far from achieved.

Table 1 also shows that some type of electoral gender quotas for public elections is in use in a majority of the EU/EEA countries. The table maintains that, of the 30 EU/EEA countries, eight – Belgium, France, Poland, Portugal, Slovenia, Spain, and most recently Greece and Ireland – have introduced legislated quotas that are binding for all political parties. In 16 of the countries, party quotas have been implemented, meaning in this case that at least one of the political parties represented in parliament has written electoral gender quotas into its statutes. In six of the countries, no gender quotas are in use for national elections.

In addition, Table 1 also shows that in most of the countries that have crossed the 30 per cent threshold (most recently Slovenia) some type of quota provision is in use, in the form either of legislated quotas or of party quotas. Furthermore, the table shows that most of the countries with a high percentage of women in their parliaments apply a proportional representation (PR) electoral system. As previous research has shown, electoral systems matter for the proportion of women elected (Matland 1998, McAllister & Studlar 2002, Reynolds 1999, Rule 1997, Siaroff 2000. See also Larsrud & Taphorn 2006). Women's representation in parliaments in the world is around twice as high in countries with PR electoral systems than in countries that use majoritarian electoral systems (Norris 2006).

However, the table also shows that gender quotas are not a necessary condition for a high level of female representation, as the cases of Finland and Denmark indicate. Nor are quotas a sufficient condition for a high representation of women. As previous research has shown, the specific design of the quota system is crucial for the successful implementation of quotas (Dahlerup 2006, Dahlerup & Freidenvall 2006, 2008, 2011).

1.3. Increase, stagnation or decrease?

Table 2 gives an overview over increase, stagnation and decrease during the last parliamentary elections in the EU/EEA countries (single or lower chambers).

Table 2: Latest parliament renewals – increase, stagnation or decrease?

Women in national parliaments and the European parliament in the two most recent elections (change in per cent units)

Countries with increase	Countries with stagnation ^a	Countries with decrease
Slovenia +18.9 (2008: 13.3 - 2011: 32.2)	Portugal +0.9 (2009: 27.8 - 2011: 28.7)	Austria -4.3 (2006: 32.2 - 2008: 27.9)
France +8.4 (2007: 18.5 - 2012: 26.9)	Finland +0.5 (2007: 42.0 - 2011: 42.5)	Liechtenstein -4.0 (2009: 24.0 - 2013: 20.0)
Italy +6.9 (2008: 21.3 - 2013: 28.4)	Cyprus 0.0 (2010: 10.7 - 2011: 10.7)	Iceland -3.2 (2009: 42.9 - 2013: 39.7)
Lithuania +6.8 (2008: 17.7 - 2012: 24.5)	Spain -0.3 (2008: 36.3 - 2011: 36.0)	Estonia -3.0 (2007: 23.8 - 2011: 20.8)
Czech Republic +6.5 (2006: 15.5 - 2010: 22.0)		Sweden -2.3 (2006: 47.3 - 2010: 45.0)
Greece +6.3 (2009: 14.7 - 2012: 21.0)		Netherlands -2.0 (2010: 40.7 - 2012: 38.7)
Malta: +5.6 (2008: 8.7 - 2013: 14.3)		Hungary -1.6 (2006: 10.4 - 2010: 8.8)
<i>European parliament</i> +4.7 (2004: 30.3 - 2009: 35.0)		
Latvia +4.0 (2010: 19.0 - 2011: 23.0)		
Slovakia +3.4 (2010: 15.3 - 2012: 18.7)		
Poland +3.3 (2007: 20.4 - 2012: 23.7)		
United Kingdom +2.7 (2005: 19.8 - 2010: 22.5)		
Bulgaria +2.1 (2005: 20.8 - 2009: 22.9)		

Ireland +1.8 (2007: 13.3 – 2011: 15.1)		
Romania +1.8 (2008: 11.5 – 2012: 13.3)		
Denmark +1.7 (2007: 37.4 – 2011: 39.1)		
Luxembourg +1.7 (2004: 20.0 – 2009: 21.7)		
Belgium +1.3 (2007: 36.7 – 2010: 38.0)		
Norway +1.3 (2005: 37.9 – 2009: 39.6)		
Germany +1.0 (2005: 31.8 – 2009: 32.8)		

^a The category, stagnation includes all countries with a change below one percent between the two most recent election

Sources: Inter-Parliamentary Union, 2013, <<http://www.ipu.org>>; International IDEA and Stockholm University, 2013, <<http://www.quotaproject.org>>; official statistics, election-day figures – i.e. changes that have occurred after election day – are not included, which explains some discrepancies between this table and <<http://www.ipu.org>>, European Commission Database: Women and men in decision making June 2011 <<http://ec.europa.eu/social/main.jsp?catId=774&langId=en&intPageId=655>>.

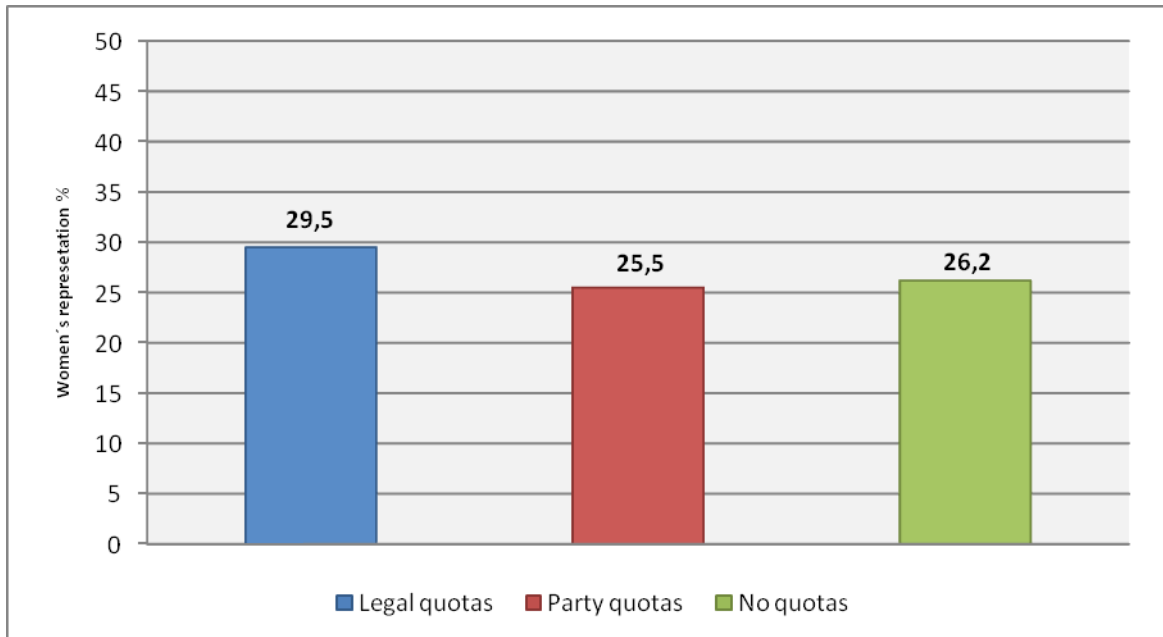
Table 2 shows a mixed picture of women's political representation in national parliaments in the EU-27/EES countries. As many as nineteen countries had an increase in women's parliamentary representation at their last election, compared to thirteen countries in the 2011 study. In Slovenia the proportion of women elected increased by 18.9 percentage units, from 13.3 to 32.2 per cent. Also in France, Italy, Lithuania, the Czech Republic, Greece and Malta the proportion of women elected increased quite extensively, with more than 5 percentage units. It is notable the proportion of women elected has increased in particular in countries which have adopted legislated quotas, including Slovenia, France and Greece. The European Parliament experienced an increase in women's representation of 4.7 per cent units.

In four countries there was a stagnation in the proportion of women elected (compared to seven in the 2011 study), and in seven countries the share of women among those elected fell (no change since the 2011 study). In countries which have a history of being placed at the very top of the world rank order in terms of women's political representation, such as Iceland, the Netherlands and Sweden, a decrease can be noted. In fact, in Iceland and the Netherlands the share has fallen below the 40 per cent threshold. The decrease has occurred after elections with different ideological changes. In the case of Sweden, the decreasing tendency may be explained by the fact that a new party, the Swedish Democrats, with a xenophobic populist agenda, took place in the parliament after the last election (e.g. Freidenvall 2013). In Iceland, a shift from a socialist and new green majority with the former women's party as one part of the leading Social Democratic Alliance lost the majority to a conservative government after the latest election (e.g. Styrkársdóttir 2013). In opposite, the Netherlands has seen a decreasing support for the right-wing populist party Party for Freedom (PVV) and an increasing support for the Social Democrats. These three cases are of a particular interest because of their top positions in world rank orders, showing that the representation cannot be taken for granted. The political trends show further that ideological shifts can result in different changes in women's political representation in different contexts, and it is therefore problematic to focus on one single explanatory factor, such as ideology.

2. THE IMPLEMENTATION OF GENDER QUOTAS

A frequently asked question is whether electoral gender quotas will result in more women elected. Figure 1 compares the electoral results in all the 30 EU/EEA countries according to quota type. As table 1 has shown, electoral gender quotas are a widely used measure in the EU/EEA countries.

Figure 1: Women's representation in national parliaments 2013, by type of quota



Note: Figure 1 shows women's representation according to quota types, based on statistics from table 1 in this note. Countries with voluntary party quotas are defined as countries in which at least one of the parties in parliament has adopted quotas for women,

Note: Since 2011 years Quota study, the category of legislated quotas has increased with 2.7 per cent units, party quotas with 0.3 per cent unit, and no quotas category with 3.6 per cent units.

Sources: table 1

Figure 1 shows that women's political representation on the average is rather similar under the three quota regimes. Countries applying legislated quotas are at the top with 29.5 per cent women. Countries with voluntary party quotas have an average of 25.5 per cent women, while countries without any quotas, be it legislated or party quotas, have 26.2 per cent women. Denmark and Finland, two countries with a historical high representation of women in politics, currently around 40 per cent, but no quotas, contribute to the relative high average among countries without any quotas. The fact that Ireland, currently having 15 per cent women in its national parliament, introduced legislated quotas in 2012, is also important to bear in mind when comparing the quota regimes.

Compared to the 2011 study, however, the difference between the quota types has increased. In countries applying legislated quotas, the per cent of women parliamentarians has increased from 26.8 per cent in 2011 to 29.5 per cent in 2013, i.e. 2.7 per cent units. In countries with party quotas, the per cent of women parliamentarians has increased from 25.2 per cent in 2011 to 25.5 per cent in 2013 (0.3 per cent unit), while countries without any quotas, has increased from 22.6 per cent to 26.2 per cent (3.6 per cent unit).

However, within each category, major variations can be found between the countries, depending on the electoral system and the design of the quota system in terms of their requirements, placement rules and sanctions for non-compliance, to mention some variables. Within the countries without legislated quotas, variations can also be found between political parties.

2.1. Leap changes versus gradual change

Table 3 shows women's representation at the national level in ten selected countries in a historical perspective, focusing on the past five elections. Successive elections, rather than specific years, are used here, since experience shows that it may take several elections to make quota system work.

Table 3: Women's national representation in the ten countries through five elections – before and after the introduction of quotas

Country	Election 5	Election 4	Election 3	Last election but one	Latest election	Difference (1 – 5)
Belgium (L)	1995: 12.0%	* 1999: 23.3%	2003: 35.3%	2007: 36.7%	2010: 38.0%	+26.0
Slovenia (L)	1996: 7.8%	2000: 13.3%	2004: 12.2%	* 2008: 13.3%	2011: 32.2%	+24.4
France (L)	1993: 6.0%	1997: 10.9%	* 2002: 12.3%	2007: 18.5%	2012: 26.9%	+20.9
Spain (L)	1996: 21.6%	2000: 28.3%	2004: 36.0%	* 2008: 36.3%	2011: 36.0%	+14.4
Greece (L)	2000: 8.7%	2004: 13.0%	2007: 16.0%	2009: 17.3%	* 2012: 21.0%	+12.3
Poland (L) ^b	1997: 13.0%	2001: 20.2%	2005: 20.4%	2007: 20.4%	* 2011: 23.7%	+10.7
Portugal (L)	1999: 18.7%	2002: 19.1%	2005: 21.3%	* 2009: 27.8%	2011: 28.7%	+10.0
United Kingdom (P)	1992: 9.2%	* 1997: 18.2%	2001: 17.9%	2005: 19.8%	2010: 22.0%	+12.8
Germany (P) ^a	* 1994: 26.3%	1998: 30.9%	2002: 32.2%	2005: 31.8%	2009: 32.8%	+6.5
Sweden (P) ^c	* 1994: 40.4%	1998: 42.7%	2002: 45.2%	2006: 47.3%	2010: 45.0%	+4.6

* Shows the first election after the introduction of quotas.

^a Following the definition of party quotas used in this note, Germany is classified as having introduced quotas in 1986, when the Green Party decreed that 50 per cent of all their candidates should be women. In 1990 the German Social Democratic party, SPD, decreed that 40 per cent of all their candidates should be women. In the election to the Bundestag in 1987 women gained 15.4 % of the total number of seats, in the election 1990 20.5 %, see the case study on Germany.

^b Poland changed to a legislated quota system in January 2011.

^c In Sweden, the Social Democrats adopted party quotas in 1993. In the election prior to the introduction of quotas, the percentage of women in the national Parliament was already high, at 33.5 per cent. The Left party and the Green party had introduced quotas regulation in 1987.

Key to quotas: *Legal or legislated quotas* (L) are written into constitutions and/or electoral laws.

Party quotas (P) are voluntary measures adopted by individual political parties. Quotas are considered to have been introduced when at least one of the parties represented in the parliament has done so.

Source: Inter-Parliamentary Union (IPU) and the eight case studies in the 2011 study.

Table 3 shows the extent to which the introduction of quotas has had an immediate effect on women's representation. If a leap change is defined as a leap in women's representation from one election to the next that exceeds 10 percentage points, the table shows that the introduction of gender quotas in several countries does seem to have had an immediate effect, even if other factors, of course, may have played a role.

In **Belgium** there was a jump from 12 percent in 1995 to 23.3 per cent in 1999 and 35.3 per cent in 2003. The combined effect of quotas and larger electoral districts was significant (see case study on Belgium in the 2011 study). Larger districts do not automatically lead to a greater number of women candidates. However, this reform, one may conclude, represented a window of opportunity for the push for more women candidates provided by the law and the general discussion on women's under-representation.

In **France** the successful quota law at the local level resulted in a leap change in one election of about 20 per cent units, while the result at the election to the National Assembly was less successful, increasing only from 10.9 to 12.3 per cent. At the subsequent elections in 2008 and 2011, however, the proportion of women elected increased to 18.5 and 26.9 per cent respectively. These results indicate that it may take some time before quota provisions reach their stipulated outcome.

In **Slovenia** the quota provisions increased women's representation to a limited extent, with 1.1 per cent unit. As in the case of France, however, the proportion of women parliamentarians reached a new record level at the last election, reaching 32.2 per cent. In **Poland** and **Greece**, which introduced gender quotas in 2011 and 2012, the proportion of women parliamentarians increased with approximately 3 per cent units, from 20.4 to 23.7 per cent and from 17.3 to 21.0 per cent respectively. In **Portugal**, the increase was somewhat larger, increasing with approximately 6 per cent units, from 21.3 to 27.8 per cent. In **Spain**, the quota law did not result in any increase, probably because women's representation was already high in Spain and the rank-order rules introduced did not add any new incentives to the existing practice of the political parties (See case study on Spain in the 2011 study).

Globally, legislated quotas have led to several historic leaps in women's representation, most notably in Costa Rica and Argentina, where legislated quotas drastically increased women's representation – in Argentina from 5 per cent in 1995 to 34 per cent in 2003 and in Costa Rica from 19 to 35 per cent in 2002, in the latter case in just one election (Araújo and García 2006).

'It takes three elections to implement a new quota rule', it was said in the Norwegian discussion on quotas in the 1980s (Dahlerup 1988). The reason is that most parties are hesitant to get rid of an incumbent MP (most of whom are males) and therefore prefer to wait for a seat to become vacant. In general, research has shown that the incumbency factor is important and prevents a rapid increase in the representation of women.

Compared to legislated quotas, party quotas tend to result only in gradual increases in the overall representation of women, as the above quotation indicates. With party quotas, in contrast to legislated quotas, not all parties become bound by quota regulations at the same time. Consequently, when studying the effect of party quotas, the focus has to be on the individual parties.

The British Labour Party's all-women shortlists are an exception, leading to a leap change in the 1997 election in which the application of all-women shortlists increased the percentage of women among the Labour Party's MPs from 13.7 per cent in 1992 to 24.2 per cent in 1997.

In **Sweden**, the party quotas have led to smaller and more gradual, though nonetheless constant, improvements in women's representation. The starting point was high (e.g. so-called high-echelon quotas), and even the 'zipper' quota regulation of 1993 in the Social Democratic Party only increased the percentage of female Social Democratic MPs from 41 to 48 per cent between the 1991 election and the 1994 election (Freidenvall et al. 2006: 75). In a zipper system, female and male candidates are alternated on the list. Due to the Social Democratic Party being the largest political party in the Swedish Parliament, the Social Democrats' quota (together with the re-election of the Green Party and the failure of the right wing party, New Democracy, to be re-elected) contributed to a new high in women's overall representation in the Swedish Parliament – 40.4 per cent in 1994 as compared to 33.5 per cent in the 1991 election.

2.2. The importance of rank-order rules

Under all electoral systems – and with legislated as well as party quotas – it is important that the quota provisions include rules about the placement of candidates on the lists and according to 'winnable' seats. In fact, a quota system that does not include such rank-order rules may have no effect at all. Thirty per cent women placed at the bottom of a candidate list in a PR system – closed or open – may lead to no woman candidate being elected. Consequently, many quota systems today combine rules about the total number of women and men on the candidate lists, for instance, no less than 40 and no more than 60 per cent of each sex, with specific rules concerning the gender composition among the top candidates, sometimes labeled *double quotas* (PR systems only). Also, in plurality/majority systems, having 50 per cent women candidates may result in the election of a limited number of women if the women candidates are mostly placed in constituencies where the party is normally weak.

Table 4 presents an overview of the design of legislated quotas in terms of their quota levels, placement rules and sanctions for non-compliance in the EU-27/EEA.

Table 4: The construction and effect of legislated gender quotas in eight European countries*General election (lower chamber or unicameral parliament), Latest election*

Quotas	Quota level, % (year of introduction)	Placement rules/winnable seats ^c	Sanctions	Elected women
Belgium	50% (2002) Previous: 33.3% (1999) 25% (1994)	The two top candidates on candidate lists and on the lists of alternates cannot be of the same gender. Parity (50-50%) of men and women for the total list.	Legal sanctions: If a party fails to comply with the gender composition, their list shall be refused by the electoral authorities	38.0 (2010)
France	50% (2000)	None	Financial sanctions: The public funding provided to parties based on the number of votes they receive in the first round of elections will be decreased by a percentage equivalent to half the difference between the total number of candidates of each sex, out of the total number of candidates.	26.9 (2012)
Greece	33% (2012)	None	-	21.0 (2012)
Ireland	30% (2012)	None	Financial sanctions: According to the Section on State Funding of Political Parties of the Electoral Act 1997, as amended in 2012, political parties will lose 50 per cent (50%) of their state funding, unless at least 30 per cent (30%) of their candidates are women. The required quota will reach 40 % in the 2019 elections.	15.1 (2011)
Poland	35% (2011)	At least one woman must be included among each list's first three candidates.	Legal sanctions: If a list falls short of meeting the requirement, the Electoral Committee notifies the authorized person of the necessity to amend the list within 3 days. Should this fail to result in a properly structured list the committee refuses to register the entire list.	23.7 (2011)
Portugal	33.3 (2006)	In multimember constituencies, the lists cannot have more than 2 consecutive names of the same sex.	Financial sanctions: If a list does not comply with the quota law, the incorrectness is to be made public, and there will be financial sanctions in relation to the level of inequality on lists.	28.7 (2011)
Slovenia	35% (2006) Previous: 25% (2006)	None	Legal sanctions: If the lists do not comply with the law, the electoral commission shall reject the list.	32.2 (2011)
Spain	40% (2007)	Quotas are both applied to the whole party lists and to every five posts. If the number of eligible post is less than five, then the list must be as close as possible to the 40-60 percent equilibrium.	Legal sanctions: Political parties are given a short period to adjust lists that do not meet the quota requirement. If they fail to do so, the lists will not be approved by the Electoral Commission.	36.0 (2011)

^b For the first election after the new law only 25 per cent is required.

^c All countries have formulated their quota regulations in a gender-neutral way.

Sources: Inter-Parliamentary Union, 2013, <<http://www.ipu.org>>; International IDEA and Stockholm University, 2013, <<http://www.quotaproject.org>> and the eight case studies in the 2011 Study.

As Table 4 shows, the quota requirements vary from 30 to 50 per cent. It also shows that the quota requirement has been strengthened step by step in Belgium and Slovenia.

In **Belgium**, the quota regulations have been gradually strengthened from 25 per cent in 1994 to 50 per cent in 2002. The law passed in 2002 states that lists must include an equal share of women and men. In case of non-compliance, places on the lists have to be left open. Moreover, in the first election in which the law was applied, the top three positions on the lists could not be held by members of the same sex. In the subsequent elections, the top two on the list cannot be of the same sex. The Belgian quota regulation has contributed to the increase in women's representation, but it has not been the only explanatory factor. According to the Belgium case study, the actual construction of the rank-order rules in combination with district and party magnitudes are decisive for the outcome (Meier 2011).

In **Slovenia**, the 2006 National Assembly Elections Act, in Article 43, provides a minimum of 35 per cent gender quota. In the transitional period, the act provides that during the next national assembly elections held after the act entered into force, the minimum percentage of candidates of both sexes shall be 25 per cent. Hence, parties were to comply with the 25 per cent quota rule for the parliamentary elections of 2008.

As Table 4 shows, the quota requirements vary, but more important for the variations in the results are the rank-order rules and the sanctions for non-compliance. The **Spanish** quota law of 2007 requires that lists in elections at all levels be composed of no more than 60 per cent of either sex. In addition, this rule also applies to every five posts on the list. The result of the first national election after the quota law was disappointing to quota advocates, since there was no change in women's representation in the Spanish House of Deputies (See case study on Spain in the 2011 study). The explanation is probably that these rank-order rules did not push the parties any further, since Spain previously had a relatively high level of female representation (over 30 per cent). In **Poland** at least one woman must be included among each list's first three candidates, and in **Portugal** the lists cannot have more than two consecutive names of the same sex (in multimember constituencies).

2.3. Sanctions for non-compliance

Experiences with electoral gender quotas so far has exposed the importance of especially three factors for the success of quota provisions in increasing women's political representation. 1) Design of the quota regime; 2) rank-order rules; and 3) sanctions for non-compliance. This section will focus on the experience with various types of sanctions in case a party does not follow the quota rules.

In the case of party quotas adopted by individual parties, it is the central party organizations which control whether the local nominating party bodies follow the party's quota provisions. Some central party organizations are reluctant to interfere with the prerogatives of the local party organizations, and have not adopted any sanctions, as the German and the Swedish Social Democratic parties. But other parties use various mechanisms in an attempt to make the nominating organizations, usually the local party organizations, comply with the quotas rules, which usually were adopted by the party congress or central executive committee, may be against the will of some of the local organizations. In some cases the central party organization will ask the local party chapter to re-nominate their list as is the case in the Norwegian Labour Party. In Ireland, the local party organization has to seek a waiver from the National Executive Committee,

if women candidates cannot be found. In Croatia, the Social Democratic Party in 1996 installed a 40 per cent quota for elections, and a special supervision board controlled the compliance (Antić & Lokar 2006; Dahlerup & Freidenvall et al 2011).

In the case of legislated quota regulations, legal sanction can be much stronger, if adopted in the electoral law and thus be binding for all political parties which participate in the election. The crucial question is which sanctions are applied and who has the responsibility for controlling that the parties follow the quota regulations.

The two main types of sanctions for non-compliance:

1. Rejection of the list before the election (legal sanctions)
2. Financial penalties (financial sanctions)

2.3.1. Rejection of the list

The experience so far is that the first option, rejection of the list, is by far the most effective, provided that the electoral authority, e.g. the Electoral Commission in the country is given the legal competence to reject the lists that break with the quota regulations, and, one must add, also actually uses this power. When it is clearly communicated by the electoral authorities to the political parties that their lists will be rejected and therefore will not be able to participate in the election, when the required number of women in the required rank order on the list is not obtained, the effect has proved to be strong. After all, nominating and campaigning for the election of their candidates is one of the main purposes of all political parties, in fact their reason d'être. Many quota laws in Europe include sanctions in the form of rejection of the list, for instance in Belgium, Poland, and Slovenia.

In Spain, a party that does not comply with the quota rules will be given a 3 days' warning, followed by rejection if not remedied. Also among other European countries do we find such rules. In Albania, for example, a fixed fine of 30.000 ALL will be the result of non-compliance. In Serbia, as another example, a list will be called upon to remedy the breaking with the law. Such rules, however, have their pitfalls. Since the main goal behind any quota regulation is to change the recruitment pattern of the political parties and make them more seriously look for and empower women candidates for election, then asking a woman to stand for election in the last minute, is not a sustainable change of practice.

2.3.2. Financial penalties

A number of countries instead penalize non-compliance financially. In Portugal, an incorrect list will be made public and will be punished with a fine. The fine is calculated according to the level of non-compliance.

In Ireland, a new amendment to the electoral law stipulates that political parties, in the coming after the implementation of the law national elections, will lose 50 per cent of their state funding, unless at least 30 per cent of their candidates are women and at least 30 per cent (30%) are men. After a period of 7 years the political parties should have a forty per cent gender quota in their candidate lists in order receive a full state funding.

In France, rejection of the list is used at the local level, while financial penalties are implemented at the national level. Together with the effect of the different electoral systems, this variation in sanctions for non-compliance contributed to a remarkable higher representation of women at the local than at the national level, following the 50 per cent candidate quotas law in France. Also in France at the national level are fines calculated according to the level of non-compliance. However, the biggest parties rather paid the fine than complied with the quota regulation (Sineau 2011). This shows the weakness of financial sanctions for non-compliance.

2.3.3. Financial incentives

Most recently, a new system of financial incentives has been adopted in some countries. In Georgia, where a quota bill has repeatedly been turned down, a 2011 provision in the law of political parties stipulates that nominating parties, which include at least 20 per cent candidates of a different sex in the group of every 10 candidates, will receive a 10 percent supplementary funding from the state budget (www.quotaproject/georgia). However, the Georgian system does not seem to have the wanted effect. Also Croatia operates financial incentives in order to make the political parties nominate more women.

One final remark: Globally, we have seen some examples of withdrawal of women candidates after the approval of the electoral lists without subsequent replacement with candidates of the same gender. The OSCE/ODIHR observer mission has noticed such a practice in Armenia, and recommended that this shall not be accepted by the electoral authorities.

2.4. Party strategies to increase the number of women in politics

Many political parties in Europe have introduced party quotas through party statutes and party rules in order to secure a certain proportion of women among their own candidates to elected bodies. These measures were first introduced by Social Democratic parties and Green parties in the 1970s and 1980s. Today they are a common type of quota provision in many of the EU-27 and EEA states. As legal quotas, party quotas differ in terms of the level of representation required, ranging between 25 and 50 per cent. Some of them are formulated in a gender neutral way, while others are gender specific.

Party quotas have been a common quota policy in Norway, Sweden and Germany. In Sweden, for example, the zipper system was introduced by the Social Democratic Party in 1993 (See case study on Sweden, Freidenvall 2011). The zipper system is a principle of alternation, which entails that parties alternate between women and men on party lists to secure that women are half of the candidates as well as possibly also half of the elected. While the quota policy of the Green Party in Sweden stipulates that lists should be gender balanced, plus minus one person, the quota policy of the Left Party in Sweden, calls for "at least 50 per cent women" on party lists.

Not all political parties have adopted party quotas in order to improve the proportion of women candidates. Some parties prefer less formal strategies, and have consequently introduced strategies such as targets and recommendations. Since the purpose of these strategies is to promote the nomination of more female candidates, although not guaranteeing the election of more women to political office, they have been labeled soft quotas. Some of these strategies target the candidate lists, and some target the internal party bodies, or both. In Sweden, as an example, the Liberal Party introduced in 1972 a policy of a minimum of 40 per cent of either sex in internal boards and committees. This

recommendation was in 1984 extended to include alternated lists at general election (where one sex alternates the other on party ballots). In 1987 the Christian Democratic Party introduced a 40 per cent gender neutral recommendation regarding electoral ballots. The Moderate Party and the Centre Party have both decided on equal representation targets, in 1993 and 1996 respectively, but gave nomination committees the final word concerning the lists of candidates.

A number of additional strategies, in addition to legal quotas, party quotas and soft quotas, may be applied by political parties to promote more gender balanced political bodies. Political parties may establish specific arenas for women to meet and mobilize around issues important to women, develop capacity building activities, as well as initiating media campaigns, to mention a few initiatives that can be taken.

Specific arenas for women. In many political parties in Western Europe *women's sections* were established in the 1920s and 1930s. These women's sections were established to attract female voters to the party, but have gradually developed into important platforms for women inside the political parties, providing women with an important arena for discussing and mobilizing around women's issues. They have also granted women access to selection committees and other internal party committees where decisions are made. Some parties, such as the Green Party, do not have women's sections, believing that these organizations might contribute to marginalize women's issues. In a few countries *women's parties* have been established. For instance, in 1995 women's organizations in Lithuania created the Lithuanian Women's Party, headed by the former female Prime Minister, Kazimiera Prunskiene, to show the public that women did not need quotas to be political actors. In Poland, the Women's Party was founded in the run-up to the 2007 election, campaigning for issues related to child birth, child care, and equal pay. In Sweden, women activists and academics formed the Feminist Initiative in 2005 to promote a feminist agenda in politics and to alert female voters on the lack of feminist politics in the established parties.

Capacity building activities. Many parties are engaged in various forms of capacity building activities, including activities such as candidate training, recruitment programs and network building, to prepare women (and men) who would like to pursue political careers. Mentoring programs are offered, and various kinds of training programs are run by the political parties, sometimes together with the women's sections, and bipartisan civil society groups. Women have been offered skills training in communication, negotiations, handling the media, and running a campaign, to give a few examples. For example, the Women2Win campaign in the British Conservative Party provides support, advice and training in public speaking and media skills to women who would like to participate in politics. The British Liberal Democrats launched a 50:50 campaign to get more into parliament using the slogan "cash, confidence, and culture", which represented the major barriers for women to access a political career. A trust fund was set up to help finance expenses, a shadow-MP was assigned each candidate, and a skills-database was set up to recruit spokeswomen. Political parties have also been engaged in improving the working conditions in politics and making it possible for politicians with small children to pursue a political career. Many of the political parties in the Nordic countries have organized child care facilities at meetings and family activities at party conferences. In addition, the Social Democratic parties in the Nordic countries produced information material including a film on "Repression techniques and how to counteract them" in order to inform and educate party members on the various forms of overt and covert discrimination that occur within political parties. Based on the Norwegian sociologist Berit Ås' (1976) conceptualization of five subtle acts of repression – invisibility, affixing of guilt

and shame, ridicule, withholding information and double punishment – movies, information pamphlets and educational material has been produced to help women to respond to suppression techniques with counterstrategies.

Media campaigns. Many political parties and party members are engaged in various forms of media *campaigns* in order to raise awareness around gendered issues and combat stereotypes. For instance, in the run-up to European elections in 1994 in Portugal, three female members of the European Parliament invited 115 female politicians and 115 male politicians to a one-day parliamentary session to discuss democracy, the role of women in Portugal and parity. The goal of the Parity Parliament was to show what gender balance would look like. A recent example of media campaigns includes a humorous postcard campaign in Sweden sponsored by the Liberal Women's Federation in 2006. As a way to combat gender stereotypes which associate men with the public sphere and women with the domestic sphere, Liberal Party women published various postcards with telling messages. One postcard featured the statement: "Boyfriends come and go, academic degrees don't" suggesting that women's first priority should be to get an education, not to marry. Another postcard featured the statement: "We know nothing about women's and men's equal capacities unless we give them equal opportunities," suggesting that men and women are equal and should be treated as such.

2.5. Conclusions

The note shows that electoral gender quotas have led to rapid increases in women's representation in some cases but to less successful results in other cases. The main conclusion is that, in order to be effective, a quota system must be compatible with the electoral system in place and that quota rules must be supplemented with rules concerning rank order as well as effective legal sanctions. The note also shows that while the last years have seen a general increase in the number of women in decision-making in Europe, the increase is small – from 23.6 per cent in 2008 to 25.6 per cent in 2013. Thus, women continue to be a minority in the political spheres, and political power still rests in the hands of men.

Quotas are one among many measures for increasing women's political representation. In addition to quotas, there are a number of additional strategies available to stimulate gender balance in elected bodies. In general, the political parties are the gatekeepers to gender balance in political decision making because they control 'the secret garden of nominations'.

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