

Gender Balance in EU Parliaments – Insights for Ireland

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Editorial

This *Spotlight* focuses on the experiences of European Union national parliaments in implementing special measures, especially gender quotas, which aim to improve the gender composition of those legislatures. A handful of these parliaments have achieved a more balanced participation by both genders while others have made progress towards that target.

Although quota systems can improve the gender balance amongst candidates, if they are to succeed in getting more women elected they need to be applied in a way that attends to the intricacies of the electoral system. Political parties also play a key role in balancing gender representation in parliament since they nominate candidates for elections.

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Electoral systems:

FPTP: First-Past-the-Post. Voters choose one candidate in each electoral district[constituency], and the candidate with the most votes wins that district's seat. Its formal name is Single Member Plurality.

MMP: Mixed Member Proportional, a combination of PR and single-member electoral districts;

TRS: Two-Round single-member district System;

Parallel: the application of two different systems, one List PR system and (usually) one plurality/majority system.

Proportional Representation: Proportional representation requires the use of electoral districts (constituencies) with more than one member (representative).

List PR: an electoral system with party lists of several candidates.

Under a List PR system, each party or grouping presents a list of candidates for a multi-member electoral district, the voters vote for a party, and parties receive seats in proportion to their overall share of the vote. In some (closed list) systems, the winning candidates are taken from the parties' lists in the order of their position on the lists. If lists are 'open' or 'free', voters can influence the candidates' order by marking individual preferences.

PR-STV: The Single Transferable Vote is a preferential system in which the voter ranks the candidates in a multi-member district (constituency) and the candidates who surpass a specified electoral quota of first-preference votes are immediately elected. Voters normally vote for candidates rather than political parties. The Irish lower house of Parliament, Dáil Éireann, is elected by the STV system. Members of the Dáil are elected from 43 constituencies, each returning three, four or five members. Voters can rank candidates not only within but also across parties. Voting in Seanad elections is also by PR and STV. The Taoiseach nominates 11 Senators while a further six are elected by certain national universities. The remaining 43 Senators are elected from vocational panels of candidates.

District magnitude: the number of candidates to be elected from an electoral district (constituency). For example, a district magnitude of 3 means three would be elected i.e. a 3-seat constituency.

Party magnitude: In an electoral district (constituency), the number of representatives elected by each party and grouping.

Placement mandate: Provisions requiring that a certain percentage of women are placed in certain positions on the party list, for example every other place goes to a woman, called "zipper quotas

Gender quota: A number of seats in an elected body or a proportion of candidates nominated by a party or grouping which are required to be filled by representatives of a particular kind (in this case, women); used to ensure the nomination and election of a minimum number of women. In Europe, only quotas for candidates are in use.

Executive Summary

Research shows that women need to reach a critical mass of at least one third of the seats of a legislative body in order to be able to exert a substantive influence. In accordance with the European Parliament resolution of 18 January 2001, which refers to achieving a balanced gender representation, a minimum of 40% representation of each sex in parliament needs to be reached.¹

A method which may, potentially, improve gender balance is to apply affirmative action in the form of quotas that require parity, or a minimum percentage of each gender, amongst the list of candidates put forward for election.

Gender quotas can be applied through the law (legislative quotas) or adopted voluntarily by political parties (voluntary quotas).

The size or magnitude of the electoral district (constituency) has a direct effect on the likelihood of women being nominated and elected.

As a general rule, it can be said that the larger the parties that apply voluntary gender quotas, the larger the effect.

The way in which political parties allocate candidates to winnable seats has a significant part to play in the success to date in electing more women from the available candidates.

In order to be effective, a quota system must be compatible with the electoral system in place, and quota rules – for example, of 30 or 40 per cent women on candidate lists – must be supplemented with rules concerning rank order (order on the list) or placement mandates as well as, in the case of legislated quotas, effective legal sanctions.

¹Council of Europe Rec (2003)3, Explanatory Memorandum, 1A, p.9.

Introduction

The under-representation of women in many European parliaments is considered problematic from a democratic and human rights perspective. According to international human rights standards, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), there is a state obligation, for European states, to ensure the equal participation of women and men in political and public decision-making.²

Research shows that women need to reach a critical mass of at least one third of the seats of a legislative body in order to be able to exert a substantive influence on the decisions taken by this body³. In 1995 the Beijing Process⁴ strove for 30% women's parliamentary representation. In addition, the UN Committee on the Elimination of Discrimination against Women refers to the "critical mass" of 30 to 35 per cent women's participation.

The European Parliament went further in a resolution of 18 January 2001, which refers to achieving a balanced gender representation of a minimum of 40% representation of each sex in parliament.⁵

As a consequence, many states have taken steps to improve the representation of women. Some European parliaments are ranked

² Council of Europe Rec (2003)3, Explanatory Memorandum, 1A, p.9

³ Council of Europe Recommendation(2003)3, Explanatory memorandum on balanced participation of women and men in political and public decision making (12 March 2003)

⁴ See

<http://www.un.org/womenwatch/daw/csw/critical.htm> for further information

⁵ Council of Europe Rec (2003)3, Explanatory Memorandum, 1A, p.9

among the top democracies in the world in this respect.

Among the steps taken by states is affirmative action, chief among which is the application of gender quotas.

Table 1: The world's top 10 parliaments in terms of representation of women (democracies only)

Rank	Country	Women Members of the lower house (%)	Gender Quota
1	Sweden	46.4%	Yes
2	South Africa	44.5%	Yes
3	Iceland	42.9%	Yes
4	Netherlands	40.7 %	Yes
5	Finland	40.0%	No
6	Norway	39.6%	Yes
7	Belgium	39.3 %	Yes
8	Costa Rica	38.6%	Yes
9	Argentina	38.5%	Yes
10	Denmark	38.0%	No

Source: Inter-parliamentary Union, International IDEA, 2010.

Affirmative action and its impact on women's representation

A method of potentially improving the gender balance amongst candidates is to apply affirmative action in the form of quotas that require parity, or a minimum percentage of each gender, amongst the list of candidates put forward for election.

When applied during the **nomination** process, the aim of quotas is to make it easier for women to be placed strategically on a party's lists of candidates or to be nominated in an electoral district (constituency) in such a way as to give them equal — or close to equal — opportunities to be elected to the legislative body.

Gender quotas can be applied through the law (legislative quotas) or adopted voluntarily by political parties (voluntary quotas). Such quotas are currently in use in nearly half of the

world's democracies, even though there remains much controversy over their use (Larserud and Taphorn, 2007). Critics of quotas assert that they are undemocratic. Proponents respond that quotas applied at the nomination stage increase the choice available to voters. They suggest that women are under-represented not because people do not want to vote for them but because people do not get a chance to vote for them as they are under-represented at the nomination and candidate stage.

In general, the political parties are the gatekeepers to gender balance in political decision making because they control the nominations. It has been calculated that 47% of Irish women have no female TD to represent them, whereas 100% of Irish men have a male TD to represent them (McGing, 2010)⁶.

The Council of Europe has concluded that, given the profound under-representation of women, quotas should be viewed as compensation for existing obstacles to women's access to parliament. According to international bodies, introducing electoral gender quotas can be considered an appropriate and legitimate measure in increasing women's parliamentary representation.⁷

⁶ Source: McGing, Claire. NUI Maynooth. Presentation to PSAI postgraduate conference, Queen's University Belfast, 17 September 2010.

⁷ CDL-AD(2002)023rev: European Commission for Democracy Through Law (Venice Commission): Code of Good Practice in Electoral Matters. Guidelines and Explanatory Report.

Adopted by the Venice Commission at its 52nd plenary session (Venice, 18-19 October 2002). Opinion No. 190/2002.

CDL-AD(2006)020: European Commission for Democracy through Law (Venice Commission). Declaration on Women's Participation in Elections adopted by the Venice Commission at its 67th plenary session (Venice, 9-10 June 2006) on the basis of contributions by Mr François Luchaire (Member, Andorra) and Ms Hanna Suchocka (Member, Poland). Study No. 324/2004.

The Committee of Ministers recommends that the Council of Europe member states should consider adopting legislative reforms to introduce parity thresholds for candidates in elections at all levels.

The UN Convention on the Elimination of All Forms of Discrimination against Women Article 4, states:

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

Elements of electoral systems and their impact on women's representation

According to the Council of Europe, (and based on empirical evidence) there is a strong relationship between electoral systems and the number of women elected to national parliaments⁸.

A major aspect is the relationship between the type of electoral system in place and the consequences of quotas for voter choice.

It will be seen from Table 3 overleaf that the system known as 'List PR' is used in many European states.

⁸ Council of Europe. European Commission for Democracy through Law (Venice Commission) Report on the Impact of Electoral Systems on Women's Representation in Politics. Adopted by the Council for Democratic Elections at its 28th meeting (Venice, 14 March 2009) and the Venice Commission at its 79th plenary session (Venice, 12-13 June 2009), on the basis of a contribution by Mr Michael Krennerich (Expert, Germany).

[http://www.venice.coe.int/docs/2009/CDL-AD\(2009\)029-e.pdf](http://www.venice.coe.int/docs/2009/CDL-AD(2009)029-e.pdf)

In List PR-based systems that are 'closed' or 'semi-open', the ranking of candidates on the party list is vital. Quotas in such systems can include provisions with regard to the placement of female candidates on the list, as well as their proportion. Single-seat plurality systems, where only one candidate can win in each constituency, mean that only one party candidate can stand in each constituency (as multiple candidates from the same party would split the party vote). This means that, for quotas to work, a proportion of party constituency nominations have to be set aside for the under-represented gender.

While multi-member districts (constituencies) are expected to be more advantageous for women than single member districts, they may have a considerable range of district magnitude (the number of seats in the constituency).

The size or magnitude of the electoral district (constituency) has a direct impact on the likelihood of women being nominated and elected. If parties can nominate more than one person they will be more likely to nominate a balanced ticket than if they are only able to nominate one person per district. If only one candidate is to be nominated, it will often be the male incumbent and challenging him with a female candidate might create tensions within the party (Laserud and Taphorn, 2007).

Also, if faced with the decision between a man and a woman, parties will often choose the man, as he is seen as most broadly acceptable to the electorate. This will be less of a problem when the district magnitude is larger and several individuals can be nominated and elected from one party, thus increasing the likelihood of parties nominating women to attractive positions without jeopardizing the position of a male incumbent.⁹ Recent

⁹ *ibid.*

empirical research suggests that it is not so much district magnitude as party magnitude that matters. Party magnitude describes the number of seats a party wins (or expects to win) in a constituency. Only if a party anticipates that it will win several seats in a constituency will it adopt ticket balancing. If parties are expected to win just one or two seats, however, the effect will be rather limited or non-existent. District magnitude and party magnitude are interrelated. For example, in small constituencies of about three to five seats even strong parties are expected to win only a few seats.

Large parties in small constituencies experience difficulties in applying ticket balancing strategies. If a PR system is used in a country with small constituencies, as in the case of Ireland, it can be just as disadvantageous to women as Single Member Districts.¹⁰

Ireland has a multi-seat, highly 'open' PR-STV system. The implications of this will be discussed below.

Impact of gender quotas on women's representation

In the European Union there are currently 5 Member States with legislative quotas applicable to elections for the national parliament (lower/single house), 14 with party quotas and 8 with no quota system (Table 2).¹¹

Table 2: Types of quota applied to national elections in the EU27¹²

Legislative quotas	Belgium, France, Portugal, Slovenia, Spain
Voluntary Party quotas	Austria, Czech Republic, Germany, Greece, Hungary, Italy, Lithuania, Luxembourg, Malta, Netherlands, Poland, Romania, Sweden, United Kingdom
No quotas	Bulgaria, Cyprus, Denmark, Estonia, Finland, Ireland , Latvia, Slovakia

Note: Countries with party quotas are those where at least one of the three largest political parties has adopted a gender quota system within the party statutes.

Source: European Parliament (2008). Electoral gender quota systems and their implementation in Europe.

Table 3 shows the share of women candidates and elected members of selected national parliaments across Europe by type of quota system. It will be seen that although legislative quotas may on average result in higher levels of female representation amongst candidates, they are no guarantee of success. There are countries with party quotas (Sweden and the Netherlands) or no quota system at all (Finland and Denmark) that have achieved final results better than, or as good as, the best of those with legislative quotas (Belgium and Spain). Moreover, on average, there is virtually no difference between EU countries with party quotas (27% women candidates, 23% elected) and those with no quota (27% women candidates, 22% elected).¹³

¹⁰ See also Rec (2003)3, Explanatory memorandum, 111 A, 49

¹¹ European Commission (2009). Women in European politics time for action: Luxembourg, Office for Official Publications of the European Communities.
<http://www.google.ie/search?hl=en&q=ec.europa.eu/social/BlobServlet%3FdocId%3d2052%26langId...&meta=>

¹² Source: European Commission. (2009) Women in European politics –time for action, Luxembourg, Office for Official Publications of the European Communities.

<http://www.google.ie/search?hl=en&q=ec.europa.eu/social/BlobServlet%3FdocId%3d2052%26langId...&meta=>

¹³ European Commission. (2009).

Table 3: Women in European Union selected national parliaments: lower or single House (situation as of 31 July 2010)

Country/Electoral system	Quota Type(s)	Latest election: seats won by women	% of women in parliament
Sweden List PR	Political party quota for electoral candidates	162 of 349	46.4%
Netherlands List PR	Political party quota for electoral candidates	61 of 150	40.7%
Finland List PR	No quotas	80 of 200	40.0%
Belgium List PR	Election law quota regulation, national parliament ; Constitutional or legislative quota, sub-national Level ; Political party quota for electoral candidates	59 of 150	39.3%
Denmark List PR	No quotas. <i>Party quotas existed previously</i>	68 of 179	38. 0%
Spain List PR	Election law quota regulation, national parliament ; constitutional or legislative quota, sub-national level ; political party quota for electoral candidates	128 of 350	36.6%
Germany MMP	Political party quota for electoral candidates	204 of 622	32.8%
Portugal List PR	Election law quota regulation, national parliament ; constitutional or legislative quota, sub-national level ; political party quota for electoral candidates	63 of 230	27.4%
United Kingdom FPTP	Political party quota for electoral candidates	143 of 650	22.0%
Poland List PR	Political party quota for electoral candidates	92 of 460	20.0%
France TRS	Constitutional quota for national parliament ; Election law quota regulation, national parliament ; constitutional or legislative quota, sub-national Level ; political party quota for electoral candidates	109 of 577	18.9%
Slovenia List PR	Election law quota regulation, national parliament ; constitutional or legislative quota, sub-national level ; political party quota for electoral candidates	13 of 90	14.4%
Ireland PR- STV	No quota.	23 of 166	13.9%
Malta PR- STV	Political party quota for electoral candidates	6 of 69	8.7%

Source: International IDEA, Inter Parliamentary Union.

Implementation of gender quotas

Selected candidate quotas versus reserved seat quotas.

Reserved seats for women are not considered a viable and legitimate option in Europe and are not used in any European country. Most quota regulations only aim to guarantee that women are among the candidates for election (Dahlerup 2007).

Quota method: Mandatory legislative versus voluntary party quotas.

Mandatory legislative

These quotas are embedded in constitutions and/or national electoral laws. They are mandatory for all parties presenting candidates or candidates' lists for the elections.

Five EU Member States have introduced these quotas for elections to national parliaments. The first country to do so was Belgium, passing two quotas Acts in 1994 and 2002, followed by France (1999/2000). Legal quotas were also introduced in Portugal (2006), Slovenia (2006) and Spain (2007). According to its 2000 constitution, Greece applies mandatory quotas only at the sub-national level.

In a few states, legislative quotas were challenged before the constitutional courts. In Italy, for instance, the Constitutional Court repealed the respective law in 1995, unlike Spain, where the Equality Law was declared constitutional in 2008.

These quotas also differ from EU Member State to State with regard to the minimum percentage of each sex which should be represented by the candidates. Only a couple of countries provide for the 50% equal share of women and men on the party lists (Belgium) or among the overall number of party candidates (France). In most cases the required minimum of

both sexes is lower: 40% in Spain; 25% initially and now 35% in Slovenia; and 33% in Portugal.

Sanctions for non-compliance with legal quotas are considered to be important. Legal sanctions for non-compliance may result in reducing public funding to parties (France and Portugal), limiting the numbers of candidates (Belgium) or simply not approving the lists (e.g. Slovenia and Spain).

Since legal quotas provided in constitutions and/or electoral laws are obligatory by nature, they may be more effective than voluntary party quotas. However, this is not necessarily always the case. The successful implementation of legal quotas requires not only effective placement mandates and effective enforcement mechanisms, but also the commitment of political parties. Even with legal quotas, political parties play a key role in their implementation. Resistant party gatekeepers may find ways to bypass quota legislation or only poorly implement the respective provisions.¹⁴

In France, for instance, political parties have not fully complied with the gender parity law that requires parties to present 50% of candidates of each sex. Using a Two-Round system in single-member districts, gender parity cannot be guaranteed within each constituency.

The difference, in France, between the number of candidates of each sex should not exceed 2% of the overall number of the party's candidates. If this is not achieved, the law provides for a reduction in the public funds

¹⁴ Council of Europe. (2009) European Commission for Democracy through Law (Venice Commission), Report on the Impact of Electoral Systems on Women's Representation in Politics. Adopted by the Council for Democratic Elections at its 28th meeting (Venice, 14 March 2009) and the Venice Commission at its 79th plenary session (Venice, 12-13 June 2009), on the basis of a contribution by Mr Michael Krennerich (Expert, Germany), Strasbourg, Council of Europe.

allocated to the relevant political party. Despite the loss of such public funds, well-funded political parties have resisted the parity requirements in elections to the national parliament. Only 36% of the candidates nominated in 2002 by the Socialist Party, which was the driving force behind the 'parity law' of 2000, were female.

In Spain, the 2008 parliamentary election was the first national election in which the Equality Law was in force. According to the law, there may not be less than 40% of each sex on the party list. Whereas a proportion of 36.3% of the elected members of the lower house were women in the 2004 election, the same proportion was elected in 2008. In the Spanish case the gender quota consolidated the high level of women's parliamentary representation that had already been reached, partly due to voluntary party quotas.

There is a final aspect to the mandatory legislative category and this relates to the duration of quota legislation; quotas can be a permanent part of electoral legislation or quotas can be for a set number of elections or quotas can be for an indefinite number of elections until a specified result in terms of gender balance in the legislature is reached.

Voluntary party quotas

Party gender quotas are adopted voluntarily by parties in order to improve the representation of women. Such quotas may consist of either commitments or party statutory provisions. Across the EU, one or more political parties in 14 Member States, have adopted voluntary quotas.

As with legal quotas, voluntary quotas can be a way of ensuring a "fast-track" access of women to parliaments. However, the proportion of women to be nominated usually varies between the political parties. Among the parties with a 50% quota for women on party lists, there are, for instance, the Green

parties in Austria, Germany, Italy and Sweden, as well as some left of centre parties in Germany, the Netherlands and Sweden.

It is noteworthy that in some Member States which apply voluntary party quotas only, women's parliamentary representation is relatively high. Cases in point are Sweden, Norway, the Netherlands and Germany. In both Sweden and Norway, the introduction of party quotas constituted an incremental step in a long process of women gaining representation. Nevertheless, even in these Member States, the implementation of party quotas had a positive impact on women's representation.

As a general rule, it can be said that the larger the parties that apply voluntary gender quotas, the higher the impact. For example, it was important that the Labour Party, as the largest party in Norwegian politics, implemented such a quota in the 1985 elections for the first time. This led to a significant rise in the number of female representatives. The same can be said with regard to the British Labour party which increased its number of women candidates by introducing all-women shortlists in 1997.

Which are best: voluntary or legislated quotas?

National quota laws tend to be more effective than political party quota rules. First, they apply to all parties, not a select few. Second, officials or judiciaries enforce quota laws, whereas the party leaderships enforce internal party quota rules. (Dahlerup and Friedenvall, 2008).

The first criterion for success is how the two types of quota systems work in terms of successful implementation. When one compares legislated and voluntary party quotas at the candidate level, the conclusion is that the two types function to a great extent in the same way. The success of the implementation process depends very much on the same factors – the

specific type of electoral system, the mean party and district magnitude, rank-ordering rules, open or closed lists, and sanctions for non-compliance.

What is generally important for candidate quotas, be they voluntary or legislated, is that quota regulations initiate a process within each of the political parties in which the party leadership places more emphasis on trying to recruit a greater number of women candidates and treats it more seriously (Dahlerup and Freidenvall et al (2008) p.29).¹⁵

Quota Systems and women's electoral success

Leap change¹⁶ vs gradual change

Table 4 shows women's representation at the national level in eight selected countries in a historical perspective, focusing on the past four elections. Successive elections, rather than specific years, are used here, since experience shows that it may take several elections to implement a quota system.

Table 4 also illustrates whether the introduction of quotas has had an immediate effect on women's representation. The table shows that the introduction of gender quotas in several countries does seem to have had an immediate effect, even if other factors may have played a role.

In Belgium there was a jump from 23.3 per cent in 1999 to 35.3 per cent in 2003.

In France the successful quota law at the local level resulted in a leap change in one election of about 20

percentage points, while the result at the election to the National Assembly was not as notable.

The 2008 elections to the National Assembly in Slovenia were the first at national level subject to a gender quota for candidates. All parties respected the quota but despite 33% of candidates being female, just 13% of those elected to the 90 member assembly were female.

In Spain the quota law did not result in any increase, probably because female representation was already high.

¹⁵ Electoral gender quota systems and their implementation in Europe, Brussels, European Parliament, 2008.

<http://www.europarl.europa.eu/document/activities/cont/200903/20090310ATT51390/20090310ATT51390EN.pdf>

¹⁶ A leap change is defined here as a leap in women's representation from one election to the next that exceeds 10 percentage points.

Table 4: Women’s national representation in eight case studies through four elections – before and after the introduction of quotas

Country	Election 4	Election 3	Previous election 2	Most recent election 1	Difference (1–4)
Belgium (L)	1995: 12%	* 1999: 23.3%	2003: 35.3%	2007: 36.7%	+24.7
France (L)	1993: 6.0%	1997: 10.9%	* 2002: 12.3%	2007: 18.5%	+12.5
Slovenia (L)	1996: 7.8%	2000: 13.3%	2004: 12.2%	*2008: 14.4%	+6.6
Spain (L)	1996: 21.6%	2000: 28.3%	2004: 36.0%	* 2008: 36.3%	+14.7
Germany (P) a	* 1994: 26.3%	1998: 30.9%	2002: 32.2%	2005: 31.8%	+ 5.5
Poland (P)	1997: 13.0%	* 2001: 20.2%	2005: 20.4%	2007: 20.4%	+7.4
Sweden (P)b	* 1994: 40.4%	1998: 42.7%	2002: 45.2%	2006: 47.3%	+6.9
United Kingdom(P)	1992: 9.2%	* 1997: 18.2%	2001: 17.9%	2005: 19.8%	+10.6

Key to quotas:

Note: The first election after the introduction of quotas is marked *.

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

Party quotas (P) are voluntary measures considered to have been introduced when at least one of the three major parties represented in the parliament has done so.

P(a) Following this definition of party quotas, Germany is classified as having introduced quotas in 1990, when the Social Democratic Party decreed that 40 per cent of all candidate lists should be women. In the 1990 election, women constituted 20.5 per cent of those elected.

P(b) 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.

Source: Inter-Parliamentary Union (IPU) and the case studies In Dahlerup, Drude. and Freidenvall, L. et al. (2008) Electoral gender quota systems and their implementation in Europe, Brussels, European Parliament.

“It takes three elections to implement a new quota rule”, is a quotation from the Norwegian discussion on quotas in the 1980s (Dahlerup 1988). The reason is that most parties hesitate not to re-nominate an incumbent member of a parliament (the majority 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 and minorities.

Compared to legislated quotas, voluntary quotas tend to result only in gradual increases in the overall representation of women, as the above quotation indicates.

The UK Labour Party’s all-women shortlists are an exception, as they led 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.

With voluntary quotas, in contrast to legislated quotas, not all parties become bound by quota regulations at the same time. Consequently, when studying the effect of voluntary party quotas, the focus has to be on the individual parties.

In Sweden, the voluntary party quotas have led to smaller and more gradual, though nonetheless constant, improvements in women’s representation. The starting point was high, and even the ‘zipper’¹⁷ quota

¹⁷ i.e. one sex alternates with the other on party lists. A fuller description is available at: <http://www.quotaproject.org/uid/countryview.cfm?country=197>

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, p.75). 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 point 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.

A report by Drude Dahlerup and Lenita Freidenvall published by the European Parliament in September 2008 shows that gender quotas have led to remarkably rapid increases in women's representation in some cases but also to disappointment in others. Their 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 30 or 40 per cent women on candidate lists – must be supplemented with rules concerning rank order (order on the list) as well as, in the case of legislated quotas, effective legal sanctions.

Some of the best results have been achieved without any quotas, even if it may have taken many years and with government support.

So what prevents quotas from working? Almost certainly, the most important factors are the allocation of candidates between constituencies and/or the position of each candidate on lists (where relevant). Even though many parties promise action on improving the representation of women, their electoral strategy will naturally focus on maximising the number of their candidates elected.

Quotas are hardest to apply in single-winner systems where each party nominates a single candidate per constituency so that it is not possible to offer individual voters any choice by gender. In multiple-winner systems where candidates are selected from party lists, usually by some form of proportional representation, then the order of candidates on the list significantly influences who is elected. In completely closed lists, voters effectively choose only which party they want to support and candidates are elected based on their position in the list.

A balanced choice of candidates for election ought to result in equality amongst elected representatives. Data from across Europe show that, in general, more women candidates results in more women being elected but that men still have a better chance of being elected. Extrapolation of results from the most recent national elections across Europe implies that, on average, an election with 50% women candidates would result in a parliament with just 39% women members or, putting it another way, there might need to be 63% women candidates to achieve parity in the final assembly (European Commission, 2009).

The way in which political parties allocate candidates to winnable seats has a significant part to play in the limited success to date in electing more women from the available candidates.

Issues relating to PR-STV (Ireland)

As discussed above, a major aspect of this issue is the relationship between the type of electoral system in place and the consequences of quotas for voter choice.

As Larserud and Taphorn (2007, 15)¹⁸ state,

“The electoral systems that make the implementation of quotas more difficult are those that use small electoral districts with candidate-centred voting and decentralized nomination procedures and those which result in low party magnitudes, for example, FPTP, TRS and AV. Even proportional systems such as STV can be difficult to combine with certain quotas as they too are candidate-centred.”

It is interesting to note that no electoral system is definitively excluded; it is possible to design a quota solution even under systems that are usually thought of as being unfavourable towards women.¹⁹

Free lists and cross voting are somewhat rare in elections to national parliaments. They are in operation, for instance, in Luxembourg and in the STV-system of Ireland and Malta where voters can indicate their first and alternative choices even across party lines.²⁰ If preference voting or

cross-voting is possible, however, voters may choose candidates from the same gender, and this may result in an unbalanced composition of the parliament²¹. Instead, open lists may work to the advantage of well-known male candidates. Thus, there is an inherent danger that the introduction of open lists may result in the election of fewer women.²²

Ireland has a multi-seat, highly ‘open’ PR system. Therefore, the level of limitation on voter choice introduced by a candidate quota is low. Parties can run multiple candidates in each constituency. Voters favouring a given party are in no way constrained to favour female over male candidates; they have complete freedom of choice in this regard. This system does not therefore lend itself to the concept of candidate quotas.

The Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights recommended a 33.3% quota of selected women candidates, to be imposed by legislation, on a temporary basis (lapsing when a target of elected female TDs is met), with sanctions for non-compliance linked to reductions in state funding.²³

This target is in line with some European countries described. The experience of other European countries suggests that such a quota might result in an increased representation of women in the Dáil provided the conditions identified above are met. As the literature demonstrates, the most important of these is the allocation of candidates between constituencies. Unless women candidates are placed in winnable constituencies the quota may be ineffective.

¹⁸ Larserud, S. and Taphorn, R. (2007). http://aceproject.org/ero-en/topics/electoral-systems/Idea_Design_low.pdf

¹⁹ *ibid.*

²⁰ Council of Europe European Commission for Democracy through Law (Venice Commission) Report on the Impact of Electoral Systems on Women's Representation in Politics (Venice, 14 March 2009) and the Venice Commission at its 79th plenary session (Venice, 12-13 June 2009), on the basis of a contribution by Mr Michael Krennerich (Expert, Germany). [http://www.venice.coe.int/docs/2009/CDL-AD\(2009\)029-e.pdf](http://www.venice.coe.int/docs/2009/CDL-AD(2009)029-e.pdf)

²¹ *ibid.* p. 13.

²² *Ibid.* p. 13

²³ Joint Committee on Justice, Equality, Defence and Women's Rights Second Report (2009)

One possible method put forward by commentators is the following design²⁴.

Proposal for a quota design for Dáil elections

Each registered party would be required to nominate a minimum of candidates, 1 male and 1 female, for each constituency they contest. Registered parties could no longer nominate just one candidate in a constituency. This would not apply to constituencies in which they nominate no candidate. Such a system would require a specific legislative provision. Sanctions for non-compliance could be linked to a loss of state funding.

With regard to the proposition of introducing a legal requirement to name a minimum of one male and one female candidate for each constituency they contest, the introduction of the type of quota outlined above would require examination from two perspectives, firstly the case law of courts in relation to the imposition of 'conditions on candidature' and their relationship with Article 16 of the Constitution, and secondly, the role of existing equality legislation to which amendments might be necessary.

Proposal for a quota design for Seanad elections:

Currently, in addition to the Seanad nominee process, women may also be directly appointed to the legislature by An Taoiseach who could increase the number of women he nominates.

As nominations to the Seanad panels and university seats are not made by political parties, developing a quota mechanism for these seats presents more difficulties.

Consideration could be given to amending the rules of the Seanad²⁵ that ensure that a minimum number of representatives of each category

appears on nominee panels. These rules could be amended in such a way that a minimum number of women would be specified to appear on nominee panels. Such changes may require legislative and constitutional amendment.

Conclusion

The way in which political parties allocate candidates to winnable seats has a significant part to play in the limited success to date in electing more women from the available candidates.

Both the electoral system and gender quotas can strongly influence women's parliamentary representation. In order to be effective, a quota system must be compatible with the electoral system and must be supplemented with rules. Electoral quotas are more effective if they provide for strict ranking rules or placement mandates.

In an electoral system such as Ireland's which uses PR-STV these rules could concern allocation of candidates as well as, in the case of legislated quotas, effective legal sanctions.

²⁴Contribution of Professor John Coakley.

²⁵ See Seanad Electoral (Panel Members) Act 1947 as amended.

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