

Gender quotas in Slovenia: A short analysis of failures and hopes

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Slovenia is a Central-East European state entering the European Union as a kind of 'success story'. Its transition into the free market economy was one of the most unproblematic, with no shock therapies, with steady growth and stable economic indicators: GDP per head was in 1992 6.275¹ and in 2001 9805 USD for example, GDP per capita in PPS was 64 in 1996 and 70 in 2002, the unemployment rate is decreasing (7.2 in 1996 and 6.0 in 2002), and relatively similar by gender (5.7, for males 6.4 for females).

Political transition was 'negotiated' or 'step by step': Slovenia's dissolution from a federal state was the 'easiest' in Yugoslavia, with 'only' with ten days of clashes between the federal army and Slovene territorial defence units and police. Slovenia now has a bi-cameral parliament with 90 MPs in the National Assembly (NA) and 40 in the National Council, elected via a proportional representation electoral system, with 7-8 parties represented, representatives of Italian and Hungarian national minorities (two seats in NA) and a stable coalition government, formed each time (except once) by a same party Liberal Democracy of Slovenia.

In other words, Slovenia has changed dramatically in a wide spectrum of spheres. However, women's representation in politics has changed little over the last decade. Women are under-represented at all political levels (local and national) and in both

¹ Source: Report of the Republic of Slovenia Institute for Macroeconomic Analysis and Development, November 1997.

elected and appointed political bodies.² Women in Slovenia have never been elected to its leading political functions, such as the president of the state, president of the assembly or prime minister. In 1992, there were only 2 women ministers among 14 cabinet members; in 1996 all 19 ministers were male, and in the present 14-member cabinet 3 women occupy ministerial positions. Compared to other EU member states where women account for 27 percent of government members, Slovenia is below average and on the list of EU candidate countries it occupies the fourth place behind Poland, Bulgaria and Estonia.

Women's representation in the NA has fluctuated between 13.3 percent in 1992, 7.8 percent in 1996, and its current level of 13.3. This is also below the European average of 17 percent and below the average in EU countries, which is 24 percent. Among candidate countries Slovenia, with its 11.7 percent average, is ranked in the fifth position together with Slovakia.

The presence of women in the National Council is similarly low. In the 1992 elections, one woman out of 40 candidates was elected; in 1997, 5 women were elected. Women are just as inadequately represented at the local level: 10.7 women councillors and 3.4 women mayors were returned in the 19994 local elections; 11.7 women councillors and 4.2 women mayors were returned in the 1998 elections, and 9 women mayors and 413 women councillors (13 per cent) were elected following the 2002 elections.

² <http://www.uem-rs.si/eng/cedaw2/index.html>, 2th July 2003.

It would be wrong to conclude that politics is a field that is alien to Slovenian women. There is no doubt that women are informed about politics (different public opinion polls show this), involved in party life (the data on party membership show this)³, and organised outside parties (there are several women's organisations connected to political parties or acting independently, and numerous women's NGOs as well). This indicates that there are obstacles to greater involvement of women in the decision making process, including: unfavourable electoral laws, a reluctance of the political parties to take serious steps to promote women in politics and to introduce special measures to help them enter politics, a lack of pressure from outside formal politics for more women in important positions, and a lack of media and wider public support for more women in politics.

In order to change this situation several initiatives have been introduced over the past decade. These include the establishment of the Parliamentary Committee on Women's Politics in 1990, later renamed the Committee for Equal Opportunities and merged with the Committee for Home Affairs in 2000; the establishment of the Governmental Office for Women's Politics in 1992, later renamed the Office for Equal Opportunities, which carried the educational and training program for women in politics named 'Women Can Do It'; the formation, in 2001, of the Coalition for Equal Presence of Women in the Public Life; the passing, in June 2002 of an Equal Opportunities Bill (which follows the Amsterdam Treaty and the directive 76/207/EEC on equal treatment of women and men in many fields). In addition, there have been several initiatives by feminists and organised women's groups to campaign for the introduction of special measures

³ For more about women in Slovene political parties see Antić 1999.

(including quotas) as a means to achieving a gender balance in political representation in Slovenia.

The paper henceforth presents several attempts to introduce obligatory quotas into the state law and offers an analysis of why these failed, and with what consequences.

Analysis of the failures

Until recently, parliamentary initiatives to ensure the greater participation of women in political decision-making bodies have been largely unsuccessful. The first attempt to introduce positive measures came during the discussion of the proposed Act on Political Parties in 1994. Deputies to the NA recommended an examination of the possibility of including a provision that would legally bind political parties to ensure a minimum of a 40 percent of each gender on their electoral candidate lists. At the second reading, the NA adopted a resolution that the wording of the proposed law should include both the male and the female gender form (Slovene language has different grammatical forms for female and male gender). Also, an amendment was adopted that placed the political parties under obligation to ensure equal representation of genders on their candidate lists. During the third reading, the Government proposed that the paragraph stipulating a 40 percent gender quota should be removed from the law. The Government's proposal was adopted and this provision was not included in the Act on Political Parties.⁴ The Act on

⁴ The first reading: the minutes of the 19th session of the NA; the second reading: the minutes of the 23rd session of the NA 1994, the third reading: the minutes of the 24th session of the NA, 1994.

Political Parties adopted in 1994 thus only stipulated “the party shall define in its statute a method of ensuring equal opportunities in nominating candidates for the elections.”⁵

Following this first failure a member of the Commission for Women’s Politics proposed, in February 1995, that all registered parties’ statutes be analysed to establish how they dealt with the ensuring of equal opportunities in nominating election candidates.⁶ This analysis formed the basis for the proposal put forward in 1996 by the Commission for Women’s Politics, that the NA should adopt an amendment to the Act on Political Parties requiring parties to observe a minimum of one-third women candidates on their candidate lists at the forthcoming elections, and to increase this proportion by at least 5 percentage points at each subsequent election until they attained the equal representation of both genders. The proposal also envisaged financial stimuli for those parties that would succeed in increasing the proportion of women in their parliamentary groups by 10 percent.⁷ The proposal was put forward in March 1996 by a mixed male-female group of deputies, mainly from the United List of Social Democrats. However, the proposal failed to receive support from the Committee for Home Affairs. As a result, the proposal to amend the Act on Political Parties was rejected.⁸

The next proposal for introducing a legal measure for balanced participation of women and men in politics was put forward in 1996. The president of the Commission for Women’s Politics, supported by the parliamentary group of the United List of Social

⁵ Act on Political Parties, 1994

⁶ Report on the work of the NA Commission for Women’s Politics in the period 1993-1996, 1996.

⁷ The minutes of the 22nd session of the Commission for Women’s Politics, 1996

⁸ The minutes of the 38th session of the NA, 1996

Democrats proposed the obligatory interpretation of item 5 of Article 19, of the Act on Political Parties. The proposal for the obligatory interpretation demanded that a clear definition of the methods and measures for ensuring equal opportunities for both genders in nominating candidates for the elections be included in the party's statute, meaning that a recapitulation or a declaration or a reference to the principle of equal opportunity would not be considered sufficient.⁹ The NA refused this proposal.¹⁰

In 1998 a campaign for the adoption of the obligatory interpretation of the item 5 of Article 19 was revived. The question of equal opportunities in political decision-making and the issue of the possible ways of appealing to the political parties to include the equal opportunity measures in their documents were raised by the Commission for Equal Opportunity Policy (previously for Women's Politics).¹¹ The discussion about possible methods continued at expert consultations organised by the Commission for Equal Opportunity Policy in May 1998. These consultations were the basis for the unanimous decision brought by the Commission for Equal Opportunity Policy in June 1998 to re-initiate the procedure for the adoption of the obligatory interpretation of item 5 of Article 19 of the Act on Political Parties (hereafter ORZPol19), which was tabled by a group of deputies in July 1998.¹² The proposal was discussed by the Committee for Home Affairs and the Secretariat for Legislation and Legal Affairs, which determined that the proposal was not disputable from the standpoint of the Constitution or the legal system. The Committee for Home Affairs therefore accepted the proposal, despite the fact that the

⁹ Obligatory interpretation of the item 5 of Article 19 of the Act on Political Parties (ORZPol19), 1998.

¹⁰ The minutes of the 47th session of the NA, 1996.

¹¹ The minutes of the 6th session of the Commission for Women's Politics, 1998.

¹² The minutes of the 9th session of the Commission for Equal Opportunity Policy, 1998.

Government opposed it. In November 1999 the final text was confirmed and in January 2000 it was unanimously adopted by the Committee for Home Affairs. In February 2000, the final text of the ORZPol19 was discussed at the regular session of the NA where the parliamentarians voted down the proposal.¹³

Several factors led to the failure to garner sufficient support for “quota” amendments:

a) One of the most important reasons is undoubtedly the low number of women MPs in parliament and their relative lack of political power within their respective parties. In the period 1996-2000, the time of the debate pertaining to these amendments, there were only 7 women MPs, accounting for 7.8 percent of all MPs. As parliamentary practices from other countries have shown, it is difficult to expect any greater cooperation among women MPs with such a low share of women in parliament. Yet intriguingly, the proposal was strongly supported only by the ZLSD parliamentary group, which did not have any woman representatives in parliament, and by the LDS, a party with only one woman representative.

b) Women MPs participated only rarely in debates about quotas, with the exception of one woman MP who at that time chaired the Commission for Equal Opportunity Policy and who on many occasions explained in detail why urgent the adoption of these amendments was needed. The modest participation of women in this debate could lead one to conclude that women themselves were largely disinterested in legal measures that would increase their share in politics. Alternatively, it could imply that they lacked the support of their parties’ parliamentary groups and their constituencies. Moreover, the struggle for women’s rights was frequently negatively

¹³ The minutes of the 19th session of the NA, 2000.

interpreted and stigmatized in Slovenia and elsewhere, which made participation in debates even more difficult, particularly for those women MPs whose political parties were not in favor of any special measures. So, it could be that some women MPs chose not to put their reputation as MPs at stake by supporting a case that was doomed to failure.

c) Another reason for the lack of support for quotas is certainly insufficient knowledge about special measures and various equal opportunity policies. In trying not to provoke an even greater political resistance to equal opportunity policies, women MPs often avoided making proposals regarding legally binding positive measures (quotas), that are understood by some as a form of discrimination. Parliamentarians of both genders, as well as the wider public and political actors, were not provided with information about positive experiences of various kinds of measures aimed at the balanced representation of men and women in political decision making, as introduced and implemented by various EU member states because their knowledge on quotas is largely based on the old communist understandings of quotas.

d) The low profile of the issue resulted in both the committees and the NA as a whole devoting relatively little time to debates about the amendments to the Political Parties Act. Moreover, very few MPs participated in the debate in the NA. ZLSD supported the amendment, whilst SLS opposed it: MPs from other parties simply did not participate, so the interest in this proposal was low.

e) Due to the widespread negative connotations of 'quotas', women MPs mainly avoided to use the term. This caution among women MPs could be understood as their method of avoiding the impression of radicalism in supporting measures that primarily

pertain to women, and a method of preventing a possible future resistance to equal opportunity measures and policies.

f) Finally, the government held the opinion that quotas should not be regulated by law since this would entail state interference with the statutes and autonomy of individual political parties.

The traces of change

The case of quotas points to the fact that in the period under consideration women in the Parliament mainly acted individually and did not cooperate sufficiently with one another, nor were they - until recently - supported by women's organizations and groups outside the parliament. The situation changed slightly following two developments. Firstly, in 2001 a Coalition was established which serves as a pressure group aiming to gain public and political attention for the question of low level of women's political representation. They write appeals to politicians and support special measures like quotas or zip lists for the elections. And secondly, in the fall of 2002 two thirds of MPs supported the proposal for Constitutional change which - following the French case - aimed to secure a legal base for introduction of special measures.

The issue of quotas was raised again during the debate on the Act on Equal Opportunities for Women and Men in 2002. However, the issue was part of a general debate for greater gender equality. Since the Act on Equal Opportunities was permissive only, and did not bind the public, economic, political or civil society actors to adopt such measures, the discussion about quotas was only general in character. The Act on Equal Opportunities

for Women and Men, which came into force in July 2002, was thus the first law introducing and defining special and positive measures and setting grounds for their adoption within individual areas of social life where one gender is under-represented.¹⁴ However, positive measures for encouraging gender equality were only recommended in this legislation, thus still not ensuring any legal obligation to political or other actors.

But the most promising development occurred in February 2004, when a 40 percent gender quota on candidate lists was adopted as the legal provision in the Act on Elections to the European Parliament. Three key factors explain this development. Firstly, there is a general view in Slovenia that elections to the European Parliament are less important politically than national elections. Secondly, the composition of the electoral party list is relatively unimportant because only the largest party expects to gain more than one seat in the European Parliament, so only the leading position on the list matters. Thirdly, there is a growing sense amongst organised women's groups and within civil society generally that the image of Slovenian democracy might be endangered in Europe if nothing is done to improve the representation of women. The fact that Slovenia is perceived as a success story is very important for the self-esteem of the country. Slovenian political elites would therefore rather follow the recommendations of international bodies in order to stay in the line with other modern democracies in Europe, than risk to be labelled as backward. In other words, the emerging awareness that something has to be done does not appear to result from a genuine commitment to gender equality. It is therefore yet to be seen whether these developments signal signs of real change.

¹⁴ Under-representation by this law means that the proportion of one gender is less than 40 percent.