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## **THE SLOVENE VERSION OF A “FAST TRACK” TO POLITICAL EQUALITY**

**Abstract.** *After the first multi-party election in the Slovene National Assembly the share of women MPs dropped dramatically (from 24 per cent in 1986 to 17.5 per cent in 1990) and did not substantially change during the following two decades. This led to a debate among feminist activists and scholars and left-oriented female politicians regarding the absence of effective measures to improve the situation. The first proposals to introduce gender quotas initially for internal party bodies and later for national elections were put forward by women in the centre and left-wing parties. The voluntary quotas adopted by these parties did not yield visible progress on the presence of women in important political bodies, as these parties’ gatekeepers did not fully respect their own rules when composing candidate lists. It was only when legal quotas were introduced that significant changes occurred in the share of women at the highest levels of Slovene politics. In contrast to previous studies on gender quotas in Slovenia, this paper focuses on the importance of the legal and institutional mechanisms in the Slovene context that increased the number of women in politics and examines the political process that paved the way for greater gender equality by using data from elections and putting the data into a broader context. The authors conclude that without gender quotas imposed by legislation the percentage of women in the last parliamentary election in 2014 would not have increased to 37 per cent (the highest among CEE countries) but also identify some limitations to the effectiveness of quota regulations in the Slovene political and institutional context.*

**Keywords:** *Slovenia, voluntary party quotas, legislated candidate gender quotas, politics, gender equality*

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## Introduction

At the beginning of the 1990s gender equality in politics was not considered an important question in the Slovene political project. In the newly born nation state other questions were prioritized and put on the national agenda, delaying the process of the realisation of women's political and other rights. It should be mentioned that this process had already started in Yugoslavia, where gender equality was an important priority of the socialist regime. In Yugoslavia gender equality was legally guaranteed, and the elimination of institutional discrimination was one of the important tasks. In this respect Yugoslav society during the 70s and 80s was comparable to Scandinavian societies. However, during the transition and disintegration of Yugoslavia, there was a tendency to revert back towards tradition, patriarchy and stigmatization of gender equality (Jogan, 2001: 211).

Although the share of women in parliamentary politics and the executive branch was very low in the 1990s (in the National Assembly (NA) the share dropped from 12.3 per cent in 1992 to 7.8 per cent in 1996; in government there were 10 female ministers in 1993 vs. 3 in 1997; at the local level the share was 10.6 per cent in 1994 and 11.7 per cent in 1998), there was little support for special measures or gender quotas in politics. At that time Slovene political elites were preoccupied with "other more important questions" such as the introduction of a market economy, formation of new political institutions and rapprochement with the European Union. In fact, the question of the underrepresentation of women in politics was treated seriously only in very small feminist circles, while the majority of the general public resisted the idea of having gender quotas regardless of gender, age or ideological orientation.

Slovenia is now among the few CEE countries that have adopted legislated gender quotas in politics. The share of women in politics has increased substantially. The representation of women in the 2014 national elections exceeded the level of a critical mass and reached 37 per cent. This puts Slovenia in 24<sup>th</sup> place on the world classification scale and in 9<sup>th</sup> place among European countries and the best positioned country in the Central East European region. This can definitely be regarded as a success in comparison with the beginning of the 1990s.

In the following sections this paper will analyse the process of adoption of legislative gender quotas at all three political levels from the early 1990s and discuss their effectiveness. It will start with a short presentation of the electoral system as one of the important factors influencing the representation of women. In the next section the paper analyses the political parties' opposition to any binding measures to ensure gender equality in politics in the 1990s. The paper will then provide an overview of the whole process

that led to the adoption of gender quotas in the law and its main actors as well as analyse the effectiveness of such quotas. In the last section the paper identifies some limitations to the greater effectiveness of gender quota regulations in the Slovene context.

## Slovene electoral systems at all three political levels

At the systemic level, especially when special policies or measures are discussed among feminist political theoreticians and analysts, the electoral system is often central to the discussion (Matland and Montgomery, 2003). We therefore first examine this key element. In Slovenia each of the three levels has a different electoral system with different implications for the effectiveness of gender quota regulations.

### a) *National level*

Slovenia's parliamentary democracy is based on a bicameral parliament with a lower house, the National Assembly (NA), and an upper house, the National Council (NC). The NA has 90 seats (two of these being reserved for the representatives of Italian and Hungarian minorities). The upper house has 40 seats. Elections to the NC are indirect – they take place through appropriate interest organizations or local communities. The electoral system for election to the National Assembly is a (quite complicated) variant of proportional representation.

From the perspective of women's electoral chances, there is an important "deviation" from the "pure" proportional representation (PR) system that forces the Slovenian political parties to behave like majoritarian systems; namely, in each constituency the parties submit 11 candidates, but they are not presented as a complete list, as in most PR systems. Rather, constituencies are divided into 11 voting units. Voters cannot vote for the entire party list, but have to choose a party by choosing a single candidate put forward by the party in their voting unit. The votes given to candidates in each voting unit are aggregated in order to determine, according to the principle of PR, how many seats the party is entitled to receive in the given constituency. Seats between the party candidates are allocated in accordance with the share of votes obtained in their voting units. If a party, for example, obtains three seats, then the seats are allocated to their three best-positioned candidates (according to the share of votes in the constituency). The two seats reserved for the Hungarian and Italian minorities are allocated according to a First Past The Post (FPTP) system. There is also a 4 per cent electoral threshold.

*b) Local level*

The situation is also complicated for local elections. There are two parallel systems – a plurality/majority system for small towns and a proportional representation (PR) system for big cities. In small towns (up to 12 councilors) the voters choose among individual candidates, and in bigger cities there are party candidate lists, with the number of candidates depending on the number of the seats on the local council. The positions of candidates are therefore not comparable – in the first the candidate stands as an individual candidate and in the second as a member of the party list – and in this case there is also the possibility to get a preferential vote.

*c) European level*

Despite the fact that in the late 1990s Slovenia had only started the accession process to the EU and had its first election to the EP in 2004, we would also like to mention here the electoral system for the European Parliament. For this election Slovenia is a single constituency. The electoral system is a proportional representation with a semi-closed list where voters are able to cast a preferential vote and so a certain per cent of the ballots can change the order of elected persons.

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It will be shown later that electoral law contains elements that can be identified as important barriers to the greater effectiveness of electoral gender quotas.

### **Voluntary party quotas and wide opposition to any measure imposed on the “free will of the political parties”**

There is a fairly wide consensus among scholars researching women in politics on referring to measures for improving the position of women in politics that require a certain percentage of women in politics (candidate lists) as electoral gender quotas or just gender quotas (Krook, 2013: 4). However, gender quotas can be either voluntary for political parties or obligatory when required by the constitution or electoral law (Dahlerup, 2006: 21). It is also important at which stage quotas are imposed: aspirant, candidate or election (Dahlerup, 2009).

Different strategies have been enacted in different countries and regions in the world, and in some countries a critical mass (30 per cent or 1/3 of women in political bodies) has been achieved without quotas through activities such as soft regulations, political party goals (Finland, Denmark), voluntary party quotas agreed in the party programs or statutes (Sweden, Norway, Germany, Austria), or alternatively from above through laws or some kind

of state intervention in the whole process (Belgium, France, Poland, Portugal, Slovenia, Spain, Greece and Ireland) (Friedenwall and Dahlerup, 2013).

In Slovenia strong, vocal demands for more women in politics started with the collapse of the old Yugoslav socialist regime, which was primarily concerned with the equal representation of all structural parts of society (workers, peasants, youngsters and women), but did not fully realise this goal. In the beginning of the 1990s it was not at all easy to introduce any special measure to increase the share of women in politics, as there was a quite strong liberal orientation that emphasized equality of opportunity and was inclined towards formal equality. This situation did not change significantly for more than decade.

In the beginning of the 1990s, with the birth of political pluralism, political parties were identified as an important actor that can speed up or slow down the process of women's participation in politics, with their organization, ideological orientation, attitude to gender equality, internal party rules (their role as gatekeepers in the selection of candidates), and support for their women's sections and/or fractions all playing an important role (Lovenduski and Norris, 1993). Let us therefore first take a closer look at the most important key players in the parties that played a strategic role in the long process of accepting gender quotas in Slovenia. These are of course the women who mobilized for quotas to increase women's representation in politics. Groups of female members of the Liberal Democratic Party (Liberalno demokratska stranka (LDS)) and the Social Democrats (Socialni demokrati ( SD)), previously the United List (Združena lista (ZL)) and Združena lista social demokratov - (ZLSD)), were the pioneers. They tried to persuade their male party colleagues to introduce voluntary gender quotas in their party statutes. They were well informed about the successful introduction of gender quotas in some European sister parties (Bahovec, 2005), and they organized and formed women's groups inside their parties. Women in ZLSD established the Women's Forum (Ženski forum), and their counterparts in LDS formed Minerva, later renamed to Women's Net (Ženska mreža), but when the debate on quotas began in the beginning of 1990s, they realised that bringing about change would be difficult nevertheless (Jeram, 2011: 216). Despite the fact that both parties succeeded in introducing one or the other variant of voluntary gender quotas in their internal party rules, these rules were not truly respected in the entire process from nomination to final completion of electoral lists (for more see Antić Gaber, 1998: 214; Antić Gaber and Lokar, 2006). This led to the bitter disappointment of these women and also showed how difficult it was to introduce "obligatory" party quotas for elections in Slovenia at the level of political parties. The fact that these rules were not adopted in other parties also weakened the position of the women in the two pioneering parties.

It was obvious that they had to find another solution, a new option in the legislation.

After the disappointment within their own parties, the discontent of politically engaged women grew, as did their belief in the need for a legally binding provision. Consequently, several amendments were put forward in the NA from 1994 to 1998 to the proposed *Act on Political Parties* that tried to include a provision that would legally bind all parties to ensure a minimum share of each gender on their electoral lists. But none of these proposals received enough support in the NA. The near total rejection of quotas in the 1990s could also be also attributed to the fact that quotas were a measure of the old communist elites through which they tried to prove their democratic orientation, and to the opinion that gender quotas are too radical a tool. The opposition argued that women should not be “forced to work in this dirty and competitive environment”, that “gender quotas are offensive to capable women”, that the voters should decide who is to be elected, that political parties as independent subjects also possess “free will and will therefore be in a patronage relationship with the state”. But on top of all this was the argument that the enactment of quotas would “violate the Slovene Constitution”, which stipulates full gender equality and prohibits any discrimination on the basis of gender (for more see Gortnar, 2004; Antić and Gortnar, 2004; Lokar, 2005).

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The preparation of these proposals was largely sponsored by the Office for Women’s Politics (later the Office for Equal Opportunities) and put forward by MPs from left-wing and/or central-left parties, first only by female MPs and later by a mixed group of MPs. As their proposals did not pass the NA, the need to build a larger coalition became obvious. This was followed by the activities of Slovene activists for gender quotas, who pursued what according to some authors is the most successful strategy for ensuring the adoption of gender quotas – they persuaded well-placed elite men to support quotas, thus putting pressure on their own party, or their own colleagues in the parliament (Krook, 2007: 370). In Slovenia, women and men from the left and right parties, some highly ranked political leaders and a few opinion makers united behind a single goal and established the Coalition for Balanced Representation of Women and Men in Public Life in February 2001 with prominent opinion makers, politicians and university professors, mostly from the left but also the right of the political spectrum. The Coalition was not a massive organisation but got greater public support for their unique goal of achieving equal representation of women and men in public decision-making through changing the legislation, and by doing so the perception of gender quotas in politics among politicians and among general public started to change towards more acceptance (Bahovec, 2005: 128; Antić Gaber and Lokar, 2006: 158). The Coalition organised a

wide range of activities, including round tables, public confrontations and appeals, through which public opinion and the attitude of important political actors who strongly opposed gender quotas gradually started to shift towards greater acceptance.<sup>1</sup>

Further bolstering the strong national and grassroots activities was external pressure from European politicians on the Slovene political elite (centre-liberal coalition) who started the process of integration in the EU. Despite the fact that EU did not demand the adoption of gender quotas and could not interfere in the electoral laws of member states, Slovene politicians recognized quotas as a strategic advantage. They understood quotas as part of the much sought after goal of gender equality supported by international norms and high on the priority list of EU values. Politicians at that time wanted to present Slovenia as a democratic and successful new post-socialist state oriented towards progressive pro-European values and saw gender equality and political representation of women as a means to “prove their Europeanism”. The rationale of the Slovene political establishment in supporting gender quotas was therefore born out of concern for the image of Slovene democracy in Europe. If nothing had been done in Slovenia to improve the representation of women, the image of the Slovene success story could have been damaged (Antić Gaber and Gortnar, 2004: 11). The masculinization of Slovene politics was especially evident when Slovenia’s parliamentary delegations started to occupy seats in the EP (Poglajen, 2003). The all-male delegation at a time when the share of women in the EP was about 30 per cent and the most advanced countries had a 40 per cent or higher share (Sweden, Finland) of female members EPs was especially telling. It was more than obvious that a masculine image in the political arena would not be advantageous to Slovenia in the EU. The Slovene political elites were therefore intent on meeting the expectations of international bodies and conforming with other modern democracies in Europe in order to avoid being labelled as backward. In other words, the emerging awareness that something had to be done did not appear totally as a result of a genuine commitment to gender equality despite the existence of a long tradition of bottom-up change in civil society since the 1990s (Mencin Čeplak, 2011).

It is obvious from the time frame in which gender quotas were adopted in Slovene legislation that the process of accession to the European Union played an important although indirect role through the additional pressure

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<sup>1</sup> Some left-wing media also supported this idea by publishing articles, interviews and analysis of elections from which it was obvious that something more abiding had to be put into the law. One of the largest daily newspapers, *Delo*, also published a *Coalition Supplement* before the EP elections demanding a “zip list” for the next election and including supportive statements of prominent public and political figures that supported the whole idea.

on Slovene politicians to address the lack of women in politics. Here we can observe what Krook (2007: 374) calls the interaction of the national campaigns in a number of different ways with international and transnational trends – the Slovene case being one of the variations.

### Removing the resistance to quotas by law

All this resulted in a re-examination of the legal possibilities for introducing gender quotas in politics. Several case studies were carefully analysed and brought to the attention of the wider public and, more importantly, legal experts. Especially influential were the examples of *France* and *Belgium*, the two West European countries that first introduced gender quotas in legislation by changing their constitutions, France in 1999 and Belgium in 2002. The French example was especially relevant for Slovene circumstances. To avoid what happened in France, to avoid unconstitutionality, it was obvious that it was necessary to adopt a constitutional provision stating that special measures for promoting gender equality are not in contradiction with constitutional equality. It seemed that such a position was more “European”, closer to the Slovene political culture of the time and consistent with the rationale of the new Slovene political elite.

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A group of legal, sociology and other experts was formed and a proposal formulated for review in the NA in 2002.<sup>2</sup> The argument for quotas was based on the idea that women represented the majority of the population and a significant part of the workforce, while their share in political decision-making was extremely low, ranking Slovenia at the lowest position among European countries. In 2004 a new clause in the constitution stated: *The law shall provide measures for encouraging the equal opportunity of men and women in standing for election to state authorities and local community authorities*. In addition, the constitution declared that such positive discrimination is not against Article 14 of the Constitution, which regulates equality before the law. This was an important basis for legislative changes among others for the introduction of gender quotas in election laws and was supported by left and right wing parties.<sup>3</sup> Nevertheless, we have to add that, similar to the situation in France, the Slovene political elites adopted quotas because of “party pragmatism”, the logic behind which was the knowledge of the party leaders on how to undermine the effects of the reform (Murray,

<sup>2</sup> 365-III Poročilo Strokovne skupine k predlogu za začetek postopka za spremembo 44. člena Ustave Republike Slovenije (Spodbujanje enakih možnosti kandidiranja moških in žensk na volitvah) 18. 9. 2002 [dr. Alenka Šelih, članica Strokovne skupine] (Report of the Expert Group on the proposal to begin the process of changing Article 44 of the Slovene Constitution)

<sup>3</sup> The first that was amended was the law on election to the EP in the same year, followed by the law on election to local communities (2005) and the law for election to the NA (2006).

Krook and Opello, 2012), as evidenced by how they referred to this issue in NA debates when laws on election were changed.<sup>4</sup>

After the constitutional foundation for gender equality was established with the statement that new laws can introduce measures for equal opportunities, electoral laws (for the local and national level) were changed and provisions for the equal presence of women and men on electoral lists were incorporated.

### The adoption of firm electoral gender quotas in Slovenia

Following these measures (and after the law on election to the EP was accepted in 2004), the law on election to local communities (2005) and law on election to the NA (2006) were changed, but differently.

Table 1: LEGISLATIVE GENDER QUOTAS IN POLITICS SLOVENIA

Level of election	Elec. system	Size: minimum candidates of both gender (%)	Implementation	Rank order rules/place- ment mandate	Sanc- tions
<i>Local</i>	PR (pref. vote), Majority	40 (20, 30)	Gradual (2006, 2010, 2014)	YES	YES-dismissal
<i>National</i>	PR (voting units)	35 (25)	Gradual (2008, 2011)	NO	YES-dismissal
<i>European</i>	PR (pref. vote)	40	2004	YES	YES-dismissal

Source: Antić Gaber, 2014.

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The first electoral law that included gender quotas was the law on election to the EP. This act requires at least 40 per cent representation of each gender in any list of candidates. Lists of candidates must be drawn up in such a way that at least one candidate of each gender is included in the first half of any list of seven candidates.

As already mentioned, the first amended law after the constitutional reform that introduced gender quotas was the law on local elections in 2005, a year before the next local election. The law provides that lists of candidates for election to municipal councils must be drawn up in such a way as to ensure that each gender accounts for at least 40 per cent of all candidates listed, and that the candidates in the first half of the lists must

<sup>4</sup> Minutes of the 18th session of the NA, 21. 6. 2006, Stenographic Records. Accessible at <http://www.dz-rs.si/wps/portal/Home/deloDZ/seje/evidenca?mandat=IV&type=sz&uid=B8481E23C7AF6FE7C125719B0037A948>

alternate by gender (Clause 70a). The act provided a transition period up to 2014, when the 40 per cent representation of each gender became compulsory. The regulation deliberately started with a very low (20 per cent) gender quota in the 2006 election, and there was a 30 per cent quota for the 2010 election. In addition, during the transition period, a partial derogation was permitted as regards the principle of candidates alternating by gender in the upper half of the list, which means that it was sufficient if they were arranged such that at least every third candidate was of the opposite gender (transitional provision).

The second amended law was the law on the election to the National Assembly. The law was changed in 2006 when a 35 per cent quota (starting at 25 per cent women candidates on the voting ballot for the first election, and increasing to 30 per cent for the following election) was set. Due to the specificity of Slovene electoral law for election to the NA, it is important to stress that a placement mandate or preferential vote cannot be incorporated as an additional requirement.

At all three levels, a party's list that does not follow the rule is rejected by the state electoral management body (EMB), which means that this rule can be understood as a firm electoral gender quota rule. While in other cases (France, Croatia) the party can choose not to obey the rule and pay a financial penalty, in the Slovene case opposition to the rule leads to exclusion from competition.

Comparison of all three laws (see table 1) reveals their similarities and differences and also some important hindrances to a higher percentage of elected women. There are a number of similarities between all the three quota provisions: a) in all three laws quotas are formulated in a gender neutral way, using the term "*gender*" (it is namely stated that "each gender cannot be represented on the candidate list with less than" a certain percentage; b) the laws set the *minimum share* of each gender that can be put on the lists for the election; c) all the quota provisions in Slovenia penalise non-compliance with *exclusion from the election*.

There are also several differences that have to be mentioned as they can have an important influence on the chances of women being elected: a) *electoral system* – at all three levels the PR system is enacted but some of its components are quite different and have different effects on the possibility of women being elected; In Slovenia a pure a PR system with party lists of candidates and a preferential vote only exists for elections to the EP; b) *timing of the introduction* – the 40 per cent gender quota for election to the EP was implemented immediately for the first election in 2004, while at the other two levels gender quotas were implemented gradually due to the parties' concern over not finding enough well-qualified women (comp. Murray, 2004); c) *size of gender quotas* – the goal for gender equality in politics is set

at 40 per cent for the local and European level and at only 35 per cent for the national level – an interesting difference that seems to stem from a different perception of the weight of the political body in question, with the EP perceived as too distanced, the local level as too low and the national level as the strongest fortress of masculine domination in politics to be defended (Antić Gaber, 2011); d) *rank order/placement mandates* – regulations for rank order (placement of candidates) are possible only at local and European elections. For election to the EP the law says that each candidate list must be drawn up in such a way that at least one candidate of each gender is placed in the upper half of the list.<sup>5</sup> Similarly, the law for local election<sup>6</sup> stipulates that the party or voters in the constituency nominating more than one candidate on the list shall determine the candidate lists in such a way that their candidates in the first half of the list are allocated alternately.<sup>7</sup> But this provision is applied only for the big cities with a PR electoral system, which means that it can only bring partial results.

### Effectiveness of the Slovene variant of electoral gender quotas

In the study *Electoral Gender Quota Systems and their Implementation in Europe (Update 2013)* Lenita Freidenvall and Drude Dahlerup (2013: 10) wrote that “the proportion of women elected has increased in particular in countries which have adopted legislated quotas.” Their country comparisons also show that in countries applying legislated quotas, the proportion of women in parliament increased from 26.8 per cent in 2011 to 29.5 per cent in 2013 (2.7 per cent). In countries with party quotas, the share of women parliamentarians 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 during this period increased from 22.6 per cent to 26.2 per cent (3.6 per cent) (Freidenvall and Dahlerup, 2013: 11).

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We would therefore like to analyse in detail the effectiveness of gender quotas in Slovenia in this section and attempt to identify the factors that have a positive effect and those that limit or obstruct further positive changes. We are aware that in order to analyse the impact of gender quotas in politics and to assess their effectiveness, it would be necessary to go through the results of several consecutive electoral periods to get valuable results and trends. However, what we *can* see is whether there was any immediate effect, which is displayed in the percentage of women included on electoral lists and the percentage of elected women. For example, after the introduction

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<sup>5</sup> *Comp. Election of Slovene Members to the European Parliament Act*

<sup>6</sup> *Comp. Local Elections Act*

<sup>7</sup> The law also stipulates that the first and second election candidates in the first half of the list of candidates are allocated alternately with at least every third candidate being of a different gender.

of gender quotas for the election to the NA (2008) the total share of women on electoral lists jumped by 10 percentage points (see Table 2), which can be defined as a “leap change” (Freidenvall and Dahlerup, 2013: 13).

A similar result was seen after the incorporation of 40 per cent gender quotas to the law on election to the EP – 42.8 per cent of women were elected. After the second election to the NA (after 30 per cent gender quotas had been introduced) in 2011 it jumped from 13.3 per cent to 32.2. After the local election in 2014 (when 40 per cent gender quota was introduced) an increase from 22.44 to 31.8 per cent was noted. These facts show that electoral gender quotas have an immediate (or nearly immediate) effect.

However, it is too early to conclude that such increases will remain consistent over the long term. It is possible that the numbers could deteriorate as has been seen in countries such as Iceland, Sweden and the Netherlands, where the share of women in parliaments once exceeded 40 per cent but later decreased (Freidenvall and Dahlerup, 2013: 9). Nevertheless, after three and even two electoral periods after the introduction of legislative gender quotas in Slovenia we can at least show some positive changes mostly due to legislative gender quotas, but without strong evidence that these improvements can continue and create a trend.

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*Table 2: COMPARISON OF THE PERCENTAGES OF FEMALE CANDIDATES FOR ELECTIONS TO THE SLOVENIAN NATIONAL ASSEMBLY, BY PARTY, 1992–2014*

Party	Year of election						
	1992	1996	2000	2004	2008*	2011	2014
DeSUS	-	-	17.0	22.4	31.8	41.4	44.8
DL	/	/	/	/	/	46.25	38.2
LDS	9.3	13.6	25.3	28	31.7	42.2	-
NSi (SKD)	11.2	9.5	16.2	23	27.2	39.3	43.9
PS	/	/	/	/	/	48.2	43.2
SD (ZL, ZLSD)	15.5	40.9	33.3	31	36.3	41.4	47.4
SDS	7.9	11.9	12.8	10.5	32.5	36.4	44.7
SLS	8.7	13.6	12.8	16.9	29.7	39.9	37.2
SMC	/	/	/	/	/	/	47.0
SNS	7	8.9	20.3	15.5	40.6	46.0	42.2
ZAB	/	/	/	/	/	/	42.9
Zares	/	/	/	/	30.2	41.9	-w
ZL	/	/	/	/	/	/	39.8
<b>Total</b>	<b>14.8</b>	<b>19</b>	<b>23.5</b>	<b>25.0</b>	<b>35.2</b>	<b>43.1</b>	<b>43.8</b>

Source: Statistical Office, State Election Committee and authors' calculation.

\* gender quotas introduced

The tables below (Table 2 and Table 3) show some visible outcomes of gender quotas in politics as they show the proportion of women among candidates before and after the introduction of quotas (at the national level) and the percentage of elected women at all three levels before and after their introduction.

The table above shows that despite the different sizes of quotas set for different levels (and the lowest for election to the NA), the share of female candidates always significantly exceeded the required share for each election in total and on the majority of the party candidate lists. For example, at the last election (2014) only three minor parties placed less than 40 per cent women on their lists (when the law requires a 35 per cent gender quota), and the three parties that were expected to win seats in the NA (among others the winner of the election) even placed around 47 per cent of women on their electoral lists.

*Table 3: ELECTED WOMEN IN SLOVENIA AT ALL LEVELS*

Year of Election	Local level/ percentage of female councillors elected	National Election/ Percentage of women deputies	European Election/ percentage of women MP's
1990		11,3	
1992		12,3	
1994	10,6		
1996		7,8	
1998	11,7		
2000		13,3	
2002	13		
2004		12,2	42,8*
2006	21,5*		
2008		13,3*	
2009			28,6
2010	22,44		
2011		32,2	
2014	31,8	35,6	37,5

Source: Antić Gaber, 2016.

\* Gender quotas introduced

Some data from the table above call for interpretation and explanation. One is the fact that after the introduction of 25 per cent gender quotas in the national election of 2008 there was no improvement in the representation of women in the NA. Why was this so? There are several reasons: one is the fact that the strongest party, the party that formed several governments from the mid 1990s on, and the party that was inclined towards gender equality in politics (LDS), lost the election, and the party that did the

least with respect to gender equality (Slovene democratic party (Slovenska demokratska stranka (SDS)) won the election; the other is that party gate-keepers in the parties that competed at the several consecutive elections knew how to secure safe, winnable seats for their strong male party elites (as we mentioned earlier speaking about party pragmatism) and finally, it could be that 25 per cent was too a low share of female candidates to produce a significant effect.

The 2011 and 2014 elections were also exceptional and difficult to compare with previous Slovene elections to the NA. There are several contextual factors that have to be taken into account. On the societal level it has to be mentioned that values oriented towards gender equality have grown, and this has created a positive atmosphere for the realisation of gender equality in politics despite the opposition of the Catholic Church (Jogan, 2013). This is also visible in the growing number of women's organizations and their widespread activities that led to increasing support of gender quotas in politics. On the other hand, trust in political institutions, especially trust in political parties, has decreased substantially, leading to a restructuring of the political field. Namely, before these two elections new political parties were formed that each time won the election. In 2011 the party named List of Zoran Janković – Positive Slovenia (Lista Zorana Jankovića – Pozitivna Slovenija (PS)) won the election and in 2014 the party of Miro Cerar (Stranka Mira Cerarja (SMC)) won. The two parties before the election did not have any kind of party infrastructure and were both established a few months before the election; however, they were not the only newcomers in the parliament. There were also the Citizens List of Gregor Virant (Državljanska lista Gregorja Viranta (DL)) in 2011 and the United Left (Združena levica (ZL)) in 2014. As these newcomers had only a slight idea in which electoral districts they would be the most successful and as new projects they were especially open to newcomers and the women among them.

## Conclusion

From the tables above it can be concluded that the Slovene variant of firm electoral gender quotas produced a significant improvement in the percentage of women on electoral lists and consequently also the percentage of women elected at all levels.

What is therefore the most significant factor that produced this result and that can ensure a consistently higher share of women in parliament? The obvious answer to this question is – given the above-described circumstances, law provisions and data – strong sanctions, and for this reason we regard the Slovene variant of gender quotas as firm legislated gender quotas. Friedenwall and Dahlerup (2013: 17) also conclude that sanctions occupy

an important place among different provisions on electoral gender quotas that have a strong effect on increasing women's political representation. But sanctions can be positive in the form of financial incentives for improvement (Georgia) or negative for non-compliance. And negative sanctions can also be different and produce different effects, since they can be in the form of financial penalties (France, Portugal, Ireland, Croatia) or in the form of rejection of the list (Belgium, Poland, Slovenia) (*ibid.*: 18).

In Slovenia all three laws stipulate that the list of candidates is to be dismissed by the Electoral Commission if the list is not determined in accordance with the law. This is a serious risk that no party is willing to take. This is also visible from the data on the share of women on the party electoral lists at all levels (Table 2); all the parties took a conservative approach and each time included more women than the minimum share required. This is especially telling if we look at traditional or conservative parties that are not especially concerned with gender equality in politics and would likely not behave in this way if the penalties were not as explicit and strict. For example, in the national election in France the bigger parties would rather pay fines than put the required percentage of women on the electoral lists (Murray, 2004; Sineau, 2011), and in the last election in Croatia<sup>8</sup> the percentage of female candidates decreased and the share of women elected decreased significantly.

Despite progress towards the goal of equal presence of women and men in politics in Slovenia (parity), there is some room for improvement. It has been suggested that, at the national level, voting units in the constituencies should be abolished and a pure PR system introduced. There are numerous studies (Matland, 1998; Paxton, 1997; Rule, 1987; Matland and Montgomery, 2003; Siaroff, 2000; Norris, 2006) that show that PR systems give women a better chance of being elected. It was also shown that among EU countries that passed the threshold of a 30 per cent share of women in their national parliaments, all but one have a PR list system (Friedenwal and Dahlerup, 2013: 7).

Some analysis shows that for quota systems to be effective it is important to include rules for the placement of candidates on the lists (Schwindt-Bayer, 2009), and even that if the quota system does not include rank-order, rules may have no effect at all (Friedenwall and Dahlerup, 2103: 14). It has also been shown that a high share of women candidates is of little significance if they are placed in a position in which there is no or almost no chance of being elected (Murray, 2008; Lokar, 2005).<sup>9</sup> The other element

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<sup>8</sup> APIS-IT. (2016): *Kandidatura – statistički podaci*. For more see [http://www.izbori.hr/izbori/ws.nsf/7310D79B396EAE62C125801000444FA0/\\$FILE/statistika\\_kandidature\\_2016.pdf](http://www.izbori.hr/izbori/ws.nsf/7310D79B396EAE62C125801000444FA0/$FILE/statistika_kandidature_2016.pdf)

<sup>9</sup> As the analysis of the results of the election to the NA in 2011 Slovene Women's Lobby showed that political parties are very well aware of which districts are favourable to them or which seats are likely to

that could improve the situation therefore is the introduction of a zip list<sup>10</sup>, which is only possible in a pure PR system.<sup>11</sup> The next would be quota size, which, at only 35 per cent, is set too low at the national level. It would be fair to equalize the required gender quotas at all three levels at 40 per cent and in the future ask for parity. Nevertheless, and despite all of these limitations, Slovenia occupies the highest position among CEE countries, and this situation can be improved in the future.

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be won and these places are often reserved for male candidates. The first five elections to the National Assembly “have shown that the established political elite lacks the political will to change their own behaviour, which prevents the increased political participation of women.” (Pleš, Nahtigal and Murko Pleš, 2013: 30).

<sup>10</sup> This demand had already been made by the Slovene Women’s Lobby, which also launched the “50–50 Campaign” (for the European election) and promoted preferential voting.

<sup>11</sup> Thus “a number of initiatives have been launched to upgrade legal provisions on quotas, in particular the method of placing candidates on lists to enforce the alternating classification in the first place.” (Pleš, Nahtigal in Murko Pleš, 2013: 13)

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#### LIST OF ABBREVIATIONS OF POLITICAL PARTIES

Liberal Democratic Party (Liberalno demokratska stranka – LDS)

Social Democrats (Socialni demokrati – SD)

United list (Združena lista – ZL and Združena lista social demokratov – ZLSD)

List of Zoran Janković – Positive Slovenia (Lista Zorana Jankovića – Pozitivna Slovenija – PS)

Party of Miro Cerar (Stranka Mira Cerarja – SMC)

Citizens List of Gregor Virant (Državljanska lista Gregorja Viranta – DL)

United Left (Združena levica – ZL)