



BOOK

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47. Slovenia: From Socialist Legacies to Legislative Gender Quotas

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Slovenia was until 1991 a part of the Federal Republic of Yugoslavia. Despite sharing a significant part of history with the common federal state and the other former Yugoslav republics, Slovenia has long been the most western and the most developed republic. In terms of women's political rights, Slovenia is a relative latecomer in comparative perspective (Antić and Selišnik 2009), as women gain the legal right to vote only after World War II in 1945.

There are several factors that explain this delay. Perhaps most importantly, during the time of Yugoslavia there was no powerful, large, and radical women's movement in Slovenia as was found in countries like the United States or Great Britain (Bock 2000; Evans 1977). Slovenia instead resembled some other European countries, where a few strong and influential women who were informed and eager to work hard with women and the general public in this direction. The first women's organisation, General Slovene Women's Association (*Splošno slovensko žensko društvo*), was established in 1901 and in 1911 formed its Women's Suffrage Committee. In general, women in this organisation were quite moderate and women's right to vote was not among the most important demands (Antić and Selišnik 2009).

A second factor relates to a missed opportunity after World War I for women to put forward strong demands for the right to vote. After the collapse of the Austro-Hungarian Empire and the formation of a new state in 1918, all three political parties in Slovenia accepted women's right to vote in their political programmes and established their own women's sections. However, this did not lead to a new law which would allow women to vote at the national level. Polarisation of society along many lines – ideological, national, cultural – also led to the fragmentation of women's associations, further delaying the push for suffrage.

In 1941, during WWII, a new chance to gain suffrage appeared the formation of the Liberation Front of the Slovenian Nation (Osvobodilna Fronta, OF) which, among other goals in its political program, included women's right to vote. Partisan forces in which women played an important role respected this commitment, and when democratic elections were first held in the liberated areas in 1942, women voted equally with men (Ferenc 1999). On 22 August 1945, a new election law was passed in the Temporary People's Parliament (Začasna ljudska skupščina) granting women the right to vote and be elected at all levels. In 1946, elections for the first constituent Slovenian Assembly, the first Slovenian parliament and one of the six regional parliaments in Yugoslavia, were held where women cast their votes for the first time at the national level. This was one of the most important changes in the position of women at that time in Slovenia and in Yugoslavia more generally, resulting in strong symbolic and real importance (Antić 1999), alongside other social and legal rights in private and in public life gained as a result of the new communist/socialist regime.

Women's representation in politics in socialist times

Elections to the first Slovene Assembly were held on 27 October 1946, at which nine (8.3%) women were elected to a 120-member representative body (Vrečko and Antić Gaber 2011, 89). The first elected female politicians were those who had an active role in the antifascist movement and were members of the Communist Party (CP). They were also

educated and had their own careers as teachers, medical doctors, or social workers, and in some cases, they were also the spouses of leading politicians (Selišnik 2012). Analyses of the position of women in politics at that time finds that educated, independent women between 25 and 40 years of age were the ones who were the most active in politics – and, within political bodies, were primarily involved in the areas of social policy, health care, and education (Rener 1983, 46–73).

Women elected in these early years also proved that women were eager to enter politics, but they were not invited or stimulated to be candidates in higher numbers (Rener 1983, 49–50). This was also true in government: there were only one or two women in cabinet up until the 1980s, and they mostly served as ministers of education, labour, health, or social welfare (Vrečko and Antić Gaber 2011, 94–95). Critical evaluation of women's leadership patterns also showed that a handful of women active in the CP held multiple posts in politics, suggesting that the party did not want to enlarge the pool of eligible female candidates for the political positions (Rener 1983, 46–49).

The share of women in politics before the 1970s varied from 8.3 to 21.7 per cent in the most important chamber. The lowest representation of women in politics ever occurred in 1969, when only 6.7 percent women were elected. In the National Assembly (NA),¹ the share of women during the socialist era never exceeded thirty per cent, despite a 30 per cent quota for women in the statutes of socio-political organizations established in 1974. Quotas were never set for the most powerful executive bodies, and the closest that this 30 percent goal was ever achieved was in 1978, when women were elected to 28 percent of the seats in the socio-political chamber of the Slovene NA (Vrečko and Antić Gaber 2011, 89).

In the 1970s and 1980s, the share of women in the socio-political chamber of the NA was stable, varying between 24 and 28 %), but the gendered patterns of participation continued. Women were mostly active in the fields of so-called 'soft politics.' Their share across political position generally decreased with an "increase of the height of the position and with an increase in the power of decision-making" (Jogan 1986, 32). We could therefore conclude that women under socialism were a socially emancipated but politically marginalized group (Jalušič 1999). After the first multi-party election in the independent Slovenia in 1992, the representation of women in politics in general and in the newly elected NA (a lower house consisting of 90 MPs) dropped dramatically to 13.3 per cent.

Demands for gender quotas in politics and its implementation

Gender equality in politics has not been seriously discussed in the national political arena, irrespective of the ideological orientation of the politicians or members of the public. The general belief has been that there are more important issues to solve, whether they entail economic or legal questions, international cooperation, or Europeanization. As a result, there appears to be a broad opinion that the problem of the low proportion of women in politics can wait for better times.

Total rejection of gender quotas

Statistics for the share of women in politics in the 1990s reveal a dramatic loss of power at all levels in comparison to the 1980s. In the 1990s, the proportion of women in parliamentary politics dropped from election to election, from 18.7 percent in 1990, to 13.3 percent in 1992, to 7.8 percent in 1996. Their share in the executive branch was also very low, varying between zero female ministers in 1993 and three in 1997. The percentage of women

¹ Due to the complicated structure of the NA and the non-permanent mandate in the chambers it is difficult to present an accurate picture. For this reason, the discussion here focuses on the share of women in socio-political chambers in which delegates presented their socio-political organisations.

among local councillors grew only slightly from 10.6 per cent in 1994 to 11.7 per cent in 1998.

Nevertheless, there was little support for special measures or gender quotas in politics. In fact, almost everybody in the political sphere resisted the idea of gender quotas, regardless of their sex, age, or ideological orientation. Only a few feminist scholars, feminist activists in the centre left and left-wing parties, as well as minor feminist NGOs, supported quotas for women in politics.

Slovene political parties, more generally, did not put in much energy in developing effective strategies for the inclusion of women in their membership and leadership. They rarely offered financial support to the women's units inside their own parties. The most common approach was rhetorical commitment but minimal respect for formal rules in this regard (Antić Gaber 2011; Murko Plesš, et al. 2011). Internal party structures, moreover, were weak. Most parties were highly centralized with men at the leading positions. Candidate selection processes were often not transparent, with the greatest emphasis placed on candidates' perceived electability and past political experiences. It is well established in the literature that such informal criteria typically do not work in favour of women (Fink Hafner et al 2011). Rather, male party leaders served as crucial gatekeepers, limiting the entrance of more women into politics.

From the uncertainty of voluntary party quotas to obligatory legal measures

Women active in Social Democrats (Socialni demokrati, SD previously the United list, Združena lista, ZL) and in the Liberal Democratic Party (Liberalno demokratska stranka, LDS) were pioneers in the struggle for more women in politics. They tried to persuade their male party colleagues to introduce voluntary gender quotas in their party statutes. These women 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 own parties. Women in the ZLSD established the Women's Forum (Ženski forum), while their counterparts in the LDS formed Minerva (later renamed Ženska mreža, the Women's Network).

When they started a debate on gender quotas in the beginning of the 1990s, however, they realised that it was not an unproblematic strategy (see interview with Sonja Lokar in Jeram, 2011, 216). Although women in both parties succeeded in introducing various forms of voluntary gender quotas in their internal parties' rules, these policies had not been fully respected from the beginning to the end of the candidate selection process (Antić Gaber 1998; Antić Gaber and Lokar 2006), leading to women's bitter disappointment. Non-implementation of party rules also signalled how difficult it would be to introduce any form of legally binding measures. The fact that quotas had not been adopted by other parties also weakened the position of women in the two pioneering parties in terms of demanding stronger gender quotas. It was obvious that they had to find another solution.

After disappointment within their parties, the discontent of politically engaged women grew and they became increasingly persuaded that a firmer, legal provision obliging all the parties was needed. As a result, several amendments were introduced in Parliament between 1994 and 1998, proposing that the Act on Political Parties include a provision legally requiring all political parties to ensure a minimum percentage of women and men on their electoral lists. Unfortunately, none of these initiatives gained enough support.

The almost total rejection of quotas in the early 1990s can be attributed to the fact that such measures were largely associated with the socialist past, as an instrument of the communist elites to burnish their democratic credentials. This history also fostered the opinion that gender quotas were too radical of a tool to employ. Those who opposed them argued, furthermore, that women should not be "forced to work in this dirty and competitive

environment,” that “gender quotas are offensive to capable women,” and that voters should decide who is to be elected. But perhaps the strongest counter-argument that enacting a quota would violate the Slovene Constitution, which stipulates full gender equality and thus prohibits any discrimination on the basis of sex (Antić and Gortnar 2004; Gortnar 2004; Lokar 2005).

Activities promoting gender quotas were largely sponsored by the Office for Women’s Politics (later the Office for Equal Opportunities). Throughout the process, its employees lent their professional support and expertise to female MPs and other quota advocates. Early proposals were put forward by MPs from the left and center-left parties, at first only involving female MPs and later expanding to a mixed group of male and female MPs. When they met with little success, it became obvious that they needed to build a larger coalition. They followed with what, according to some authors, is the most successful strategy for gender quotas to be adopted: lobbying well-placed elite man to persuade their own parties and parliamentary colleagues (Krook 2007, 370).

Building a Coalition of actors for legal quotas

While in the beginning of the 1990s only a handful of feminists were demanding gender quotas, by the mid-1990s these women were accompanied by women from the left and centre-left parties as well as a few male party members. It was obvious that this pool of supporters was still too narrow to gain support for gender quotas in parliament. What was also evident was the narrow ideological spectrum of the parties that supported this special measure. Activists were getting more and more convinced that they had to build a wider coalition of supporters across the ideological spectrum and recruit high ranking male politicians that would actively support their demands.

Their efforts to expand the basis of support for gender quotas culminated in February 2001, when the Coalition for Balanced Representation of Women and Men in Public Life was established, encompassing women and men from left- and right-wing parties, some highly ranked political leaders, and a few opinion makers. The goal of the Coalition was to achieve equal representation of women and men in public decision-making bodies by reforming legislation. This broad and high-level support for gender quotas in politics fostered greater acceptability of these measures among politicians and the general public (Antić Gaber and Lokar 2006; Bahovec 2005).

During the following two years, it seemed as if there was no major political party leader who would publicly oppose gender equality in politics, although not everyone would directly call for gender quotas. The Coalition acted as an informal group of individuals, committed to do as much as they could individually and together to achieve the balanced representation of women and men in public life. One of the ways to reach this goal was by mobilizing for changes to legislation to influence parties’ electoral behaviour and calling for an equal share of female and male candidates in local and national elections (Bahovec 2005). The Coalition started gaining more and more supporters and organized a wide scope of activities including round tables, public meetings, and appeals. They were supported in these efforts by some left-wing media outlets, which published articles, interviews, and election analyses highlighting the need for electoral reform. One of the largest daily newspapers, *Delo*, published a supplement by the Coalition in the run-up to the European Parliament (EP) elections which demanded “zipper lists” for the next elections and contained supportive statements from prominent public and political figures. The result was a loosening of resistance towards gender quotas, both in public opinion and in the attitudes of important political actors.

The EU enlargement process and pressures for gender quotas

While strong national and grassroots activities were important factors, pressure from European politicians on the Slovene centre-liberal coalition also played a role. Slovene politicians understood that quotas were supported by international norms and recognized a strategic advantage in pursuing them. Politicians at that time wanted to showcase Slovenia as a democratic and successful new post-socialist state with a pro-European orientation, committed to progressive changes with respect to political institutions. The Slovene political establishment were concerned that if nothing was done to improve the representation of women, it could endanger the image of the ‘Slovene success story’ (Antić Gaber and Gortnar 2004, 11), leading the country to be labelled as ‘backward.’

The accession process to the European Union thus played an important, albeit indirect, role through additional pressures on national politicians to do something about the low presence of women in politics. This resulted in a re-thinking of the legal possibilities of introducing gender quotas. Case studies of countries like France and Belgium, the two West European countries that introduced gender quotas in their legislation were carefully analysed and brought to the attention of legal experts and the wider public. The French case was especially relevant, given the circumstances in Slovenia. To avoid gender quotas being deemed unconstitutional, Slovene politicians decided – following the example of France – to amend the Constitution first to state that special measures that promote gender equality were not un-constitutional. The Constitutional Commission of the NA established a group of legal, sociological, and other experts to formulate a proposal and justify the amendment for the discussion and reading in the NA.

Arguments for quotas were based on the idea that women constituted half of the population and were a significant part of the workforce, yet their share of political decision-making positions was extremely low, leading Slovenia to be ranked far behind many other European countries. The proposal also came at a propitious time, before elections to the EP in June 2004, securing unanimous support for several constitutional changes. The Constitution now reads: “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.” It clarifies that positive discrimination is not against article 14 of Constitution, regulating equality before the law. A new paragraph was also added to Article 43, stating: “The law shall provide the measures for encouraging the equal opportunity of men and women in standing for election to state authorities and local community authorities.” These reforms provided the basis for subsequent reforms to the electoral law introducing various forms of gender quotas. Nevertheless, it is also important to add that, similar as well to the case of France, Slovene political elites also adopted quotas because of party pragmatism, knowing that while party leaders had to support the reform, they could also find ways to undermine its effects (Murray, Krook and Opello 2012).

The enactment of legislative gender quotas

The first law establishing gender quotas in Slovenia was the Law on EP elections, which was passed even before the Constitution was amended in June 2004. In EP elections, Slovenia is treated as a single constituency. The electoral system is a closed-list proportional representation (PR). The law requires that at least 40 per cent representation of each sex is included on any list of candidates. These lists must be drawn up to ensure that at least one candidate of each sex figures in the first half of each list.

Once the constitutional foundation for gender equality was established, new laws for local and national levels) were approved: the Law on elections to the local communities in 2005 and the Law for elections to the NA in 2006. These two reforms were marked by important differences. For local elections, two parallel electoral systems are used: a plurality/majority system for the smaller towns and a PR system for the bigger cities. In small towns, voters

choose among individual candidates and in the bigger cities there are party candidate lists, with the number of candidates varying depending on the number of the seats on the local council. The positions of candidates are therefore not comparable and the law only requires that quotas be applied for elections within the PR component. On these lists, each gender must account for at least 40 per cent of all candidates. Additionally, candidates in the first half of these lists must alternate by sex (Clause 70a).

The act provided for a transition period up until 2014, when 40 per cent representation of each sex became compulsory. The regulation started with a very low 20 per cent gender quota in the 2006 election, which increased to a 30 per cent quota for elections in 2010. During this transitional period, a partial derogation was also permitted with regards to the principle of candidates alternating by sex in the upper half of the list. The transitional provision allowed parties to present their lists if at least each third candidate was of the other sex.

The Law on NA elections was changed in 2006 to introduce a 35 per cent quota. Like the local election reform, it provided for a period of transition, starting with a 25 per cent requirement to be increased 30 per cent over the first two elections following the reform. Due to the specificities of the Slovene electoral law for parliamentary elections, a placement mandate or preferential vote cannot be incorporated as an additional requirement, as this electoral law is quite complicated variant of PR system but with the incorporated elements that produce similar effects as it can be seen in majority systems.

For the election to the 90 seats in the NA,² Slovenia is divided into eight constituencies, each of which is further divided into 11 voting units. From the perspective of women's electoral chances, there is an important 'deviation' from the 'pure' PR system that forces the Slovenian political parties to behave as if they were in a majoritarian system. Namely, in each constituency, 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 how many seats the party according to the principle of PR is entitled to receive in the given constituency. Seats between the party candidates are allocated in accordance of share of votes obtained in their voting units. If a party for example obtained three seats then the seats are allocated to their three best positioned candidates, determined by the share of votes in the constituency.

In Slovenia all three laws stipulate that if the list of candidates is not determined in accordance with the law, the Electoral Commission must reject the list. This is a serious threat that no party would like to risk. As a result, parties have generally sought to be on the safe side by putting more women than was required as a minimum share. This has also been the case for the traditional or conservative parties that otherwise are not very concerned with gender equality in politics – and would perhaps not implement quotas at all if the penalties were not as explicit and strict. This is what occurred in France and in Croatia, where (bigger) parties preferred to pay the fines rather than put the required percentage of women on their electoral lists (Murray 2004; Sineau 2011).

The impact of gender quotas

Impact here is understood as the rise of the percentage of women first at electoral lists and second the percentage of women elected. Our understanding of gender quota namely is that this is a special measure to ensure better numerical relation between women and men. In the case of Slovenia, one can see that gender quotas in politics serve this aim, as the

² Two of these seats are reserved for representatives of Italian and Hungarian minorities.

improvements have been visible in both steps – first among candidates and then among elected politicians.

Before the introduction of gender quotas in the law, the share of women on the lists varied from 14 to the exceptional 25% at the national level; for the local level statistical data proves that in 1994 for one female candidate there were 6 male candidates and after the introduction of quotas this shrank to a 1 to 3 ratio which is impressive. Furthermore, the share of elected women increased substantially which is shown in the table below.

<Table 47.1 about here>

More women in politics

Table 47.1 shows that gender quotas have proved to be successful in bringing more women into politics at all levels in Slovenia. Prior to quota introduction, there were only around 13 per cent of women elected in local and NA elections. After two consecutive elections, this level rose to 31 and 35 per cent, respectively. In EP elections, these levels were achieved immediately starting from the first elections held in 2004. As a result, a critical mass of women now sit in all three levels of political decision-making in Slovenia. This outcome would not have been possible in such a short period without the implementation of legislative gender quotas. All the same, the required quota for the national elections, 35 per cent, remains too low. Several political actors have suggested equalizing with the other two reforms by raising the mandate share of female candidates to 40 per cent.

Changing attitudes towards women as political leaders

Other important questions concerning the impact of gender quotas is whether or not having more women in politics influences public attitudes towards women in politics. Are men still considered better political leaders? The answer to these questions can be found in public opinion surveys asking respondents how strong they agree/disagree with the statement “Men are better political leaders.”

Table 47.2 shows that, in the 1990s, when there was around ten per cent or less women in local and national politics, and when several proposals for the introduction of gender quotas had been refused in the parliament, almost half of men (46%) and more than one third of women (37.9%) agreed that men are better political leaders. Ten years later, a year after the introduction of legislative gender quotas, and when 42 per cent of women had been elected to EP, this percentage falls to 31.3 and 26 per cent, respectively. Moreover, the percentage of those who strongly disagreed – and therefore became more accepting of women as leaders – rose among men to 62.7 and among women to 68.5 per cent. By 2011, 78.2 per cent of women and 65.3 per cent of men strongly disagreed that men were better leaders. Apart from the significant difference among female and male respondents, it is also noticeable that women consistently decrease their assessment that men are better political leaders, while the share disagreeing constantly rises. The changes among men are less dramatic, although they also become more favourable to women leaders over time (Antić Gaber 2016).

Diffusion of the debates on gender equality to other spheres

After legislative gender quotas proved to be successful in politics, debates proposed to apply the same instrument to leadership positions in the economy as well, focusing on the highest positions on the management boards of large companies. A commitment to achieving equality of results as a responsibility of state institutions has thus increased over time. Today, there is a solid conviction that – in politics as well as in the economy – women and men should have a fair share of decision-making roles. This is also a sign of a possible change in the gender regime, which can in the near future lead to more egalitarian representation of women and men in both the public and private spheres.

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Table 47.1: 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	22.4		
2011		32.2	
2014	31.8	35.6	37.5

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

* 40 per cent gender quota introduced

** 20 per cent gender quota required (30% in the next, followed by 40%)

*** 25 per cent gender quota required (30% in the next, followed by 35%)

Table 47.2: Attitudes to the statement: Men are better political leaders

Sex	Male							Female						
	Year/ %	Strongly agree	Agree	Strongly agree/ agree	Strongly disagree	Disagree	Strongly disagree/disagree	Do not know	Strongly agree	Agree	Strongly agree/Agree	Strongly disagree	Disagree	Strongly disagree/disagree
1995	9.6	36.6	46.2	5.9	39.9	45.8	8.1	7.9	30.0	37.9	14.3	41.9	56.2	5.9
2005	6.8	24.5	31.3	13.3	49.4	62.7	6.0	7.6	18.8	26.4	23.6	44.9	68.5	5.1
2011	4.0	26.7	30.7	12.2	53.1	65.3	4.0	1.3	16.1	17.4	24.8	53.4	78.2	4.4

Source: Toš 2012.