



EUROPEAN WOMEN'S
LOBBY
EUROPEEN DES FEMMES

Taking Stock of Women's Representation in Politics across Europe

A Study by the European Women's Lobby
March 2023



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About the European Women's Lobby

Founded in 1990, the European Women's Lobby (EWL) is the largest European umbrella network of women's associations representing more than 2,000 organisations in the EU coming together to campaign for their common vision of a Feminist Europe. The EWL has members in 26 EU Member States, three Candidate Countries (Republic of North Macedonia, Serbia, Turkey), Iceland and the United Kingdom, as well as 17 European-wide organisations representing the diversity of women and girls in Europe.

Together with our members, we aim to influence the general public and European Institutions in support of women's human rights and equality between women and men.

The European Women's Lobby (EWL) would like to acknowledge the contribution from its national member organisations and warmly thank all the representatives that took the time to provide the EWL Secretariat with their expert knowledge and national feedback.

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European Women's Lobby, March 2023

Foreword

This research was carried out by the EWL with the pro bono support of WSGR. Its purpose is to map out the current state of women's representation in politics across Europe, to highlight the different pieces of legislation and initiatives that exist in different European countries, as well as their success and limitations. These findings should inform policy-making and support ambitious and binding measures at the European Union (EU) level when it comes to women's representation in politics. This study should enable EU decision-makers to take concrete actions to realise the EU legal obligation of equality between women and men.

The under-representation of women in decision-making has a multifaceted nature and is at the intersection of several competences, both at the EU level and at the national level. One of the key obstacles to progress in this area is the EU principle of subsidiarity and the lack of a specific EU competence for gender representation¹ in the Treaties.² Yet, there are a few policy efforts aimed at improving gender equality *via* other EU competences, primarily in areas such as employment rates, the gender pay gap, and social policies.³

This research paper provides: (I) a summary of the current legal landscape and challenges under EU law; (II) an overview of relevant EU case law; (III) an overview of national legislation and initiatives to be leveraged at the EU level; and national case studies (IV). It covers intersectionality elements, such as the representation of women from different ethnicities, with disabilities, and/or of different sexual orientation. This paper also includes an overview of the European political parties' initiatives to improve the representation of women (V).

There is scope for ambitious EU-wide legislative measures on the representation of women in decision-making bodies, in compliance with the EU Treaties and with the principle of subsidiarity. Given the disparities between EU Member States in terms of compliance culture and gender equality progress, legally binding instruments and effective and dissuasive sanctions are necessary. Legally binding instruments must impose clear and precise requirements. EU directives only imposing minimum standards and granting EU Member States a significant margin of discretion are not appropriate with respect



to gender-based issues. The higher standards of some EU Member States (e.g., Sweden, Finland, Spain, Belgium, France, Denmark, Portugal, and the Netherlands)⁴ should be leveraged at the EU-level to push for higher standards in other EU Member States (e.g., Cyprus and Hungary).⁵ Regulations are more appropriate instruments at the EU level, as they are immediately applicable and enforceable in EU Member States and overrule national laws.

In addition, experience has shown that action exclusively carried out at the national level is not sufficient to achieve the EU gender equality objective. To date, no EU Member State has achieved full gender equality and progress remains slow in this area. Member States on average scored 68.6 points in the EU Gender Equality Index 2022, representing a 0.6-point increase since the 2021 Index.⁶ This score is only 5.5 points higher than in 2010, pointing to an *“unbearably slow pace of change, barely averaging a 1-point increase every 2 years.”*⁷ In addition, while the domain of power has made the most progress since 2010, it still has the lowest of all domain scores (57.2 points with political power scoring 60.2) with women accounting for only one-third of national parliamentarians and 18% of presidents and prime ministers in the EU.⁸

It is true that the last years have seen some encouraging progress when it comes to women’s representation in politics: at the EU level, 13 out of the 27 European Commissioners are women, as well as 39% of Members of the European Parliament (MEPs) and some EU Member States are even close to gender parity in their national parliament, such as Finland with 45.5% of its Members of the Parliament (MPs) being women. Yet, a lot remains to be done to reach equal representation of women and men in politics and to tackle vertical and horizontal segregation. The Covid-19 crisis and the lack of women among entities responding to the crisis was a telling example of the existing inequalities in terms of representation. Although an overwhelming majority of EU healthcare workers are women, and women have been disproportionately impacted by the pandemic, only one in four EU health ministers were women.⁹ Furthermore, it is crucial to stress that once they access decision-making positions, women have fewer opportunities to influence the political landscape and receive portfolios with lower political priority.¹⁰ This horizontal segregation also exists in the European Parliament where it is estimated that about 91.4% of the Committee on Women’s Rights and Gender Equality members are women, while respectively in the Committee on Constitutional Affairs and the Committee on Budgets, 85.7 % and

Women account for

18%

of presidents and
prime ministers in
the EU



75.6% of members are men. It is also worrying to see that EU institutions are still far from diverse; for instance, after the 2019 European elections, there were only 17 female MEPs from ethnic minorities.¹¹

Making women's rights a priority on the political agenda is crucial, in particular when a growing political and societal backlash has been experienced, resulting in severe limitations to women's rights in Europe and loss of the progress that had already been achieved.

We must ensure that all women have equal opportunities to enter governing bodies and that women's interests and concerns are high on the political agenda. Women are not a minority and should be equally represented in decision-making positions. The under-representation of women is a serious democratic deficit and a threat to the legitimacy of political systems; only when the interests and needs of the whole population are accounted for will true democracy be achieved.

Methodology

The research is not academic in its nature, instead its ambition is to offer concrete information on the current state of affairs on women's representation in politics in European countries and to facilitate a way forward that would include binding measures at EU level to give substance to the obligations set out in the EU Treaties on equality between women and men.

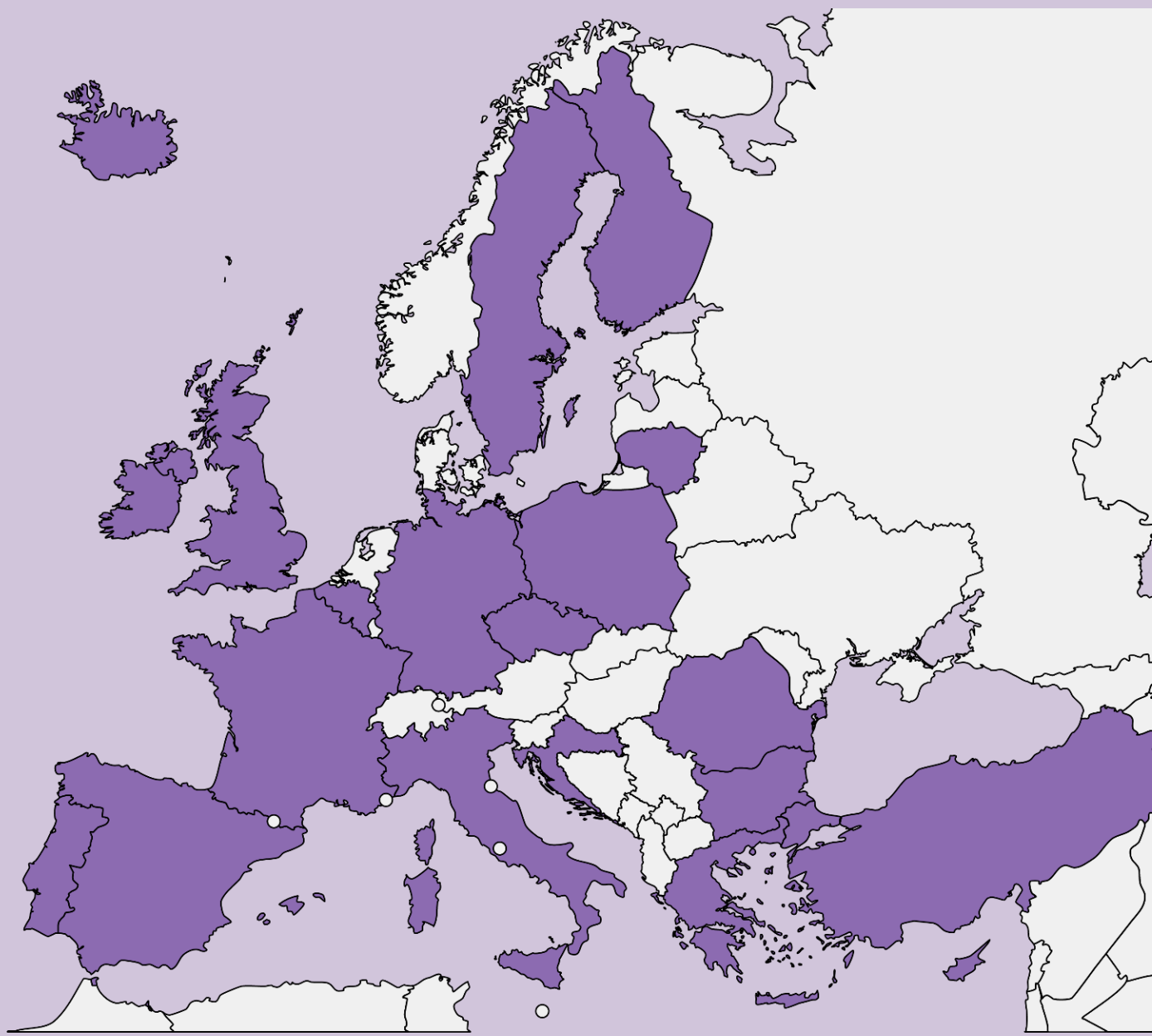
For the purposes of this research the term "quota" includes any fixed or minimum share or number of individuals of a specific category in a political party, organisation, governing body, or any other entity.

To conduct this research the EWL received external pro bono support from WSGR.

The information gathered in this document comes from desk-based research. It also stems from the EWL members' contributions collected through a digital survey in 2022. This research covers 20 European countries.

EWL Member organisations that provided input through the EWL survey (if applicable)

- Bulgarian Platform of the EWL
- Cyprus Women's Lobby
- Česká Ženská Lobby
- The Coalition of Finnish Women's Associations (NYTKIS)
- La Coordination française pour le Lobby Européen des Femmes (CLEF)
- Coordination of Greek Women's NGOs for the EWL | ΕΥΡΩΠΑΪΚΟ ΛΟΜΠΥ ΓΥΝΑΙΚΩΝ
- Icelandic Women's Rights Association | Kvenréttindafélag Íslands
- The National Women's Council of Ireland (NWC) | Comhairle Náisiúnta na mBan in Éirinn
- The Lithuanian Women's Lobby
- The Portuguese Platform for Women's Rights | Plataforma Portuguesa para os Direitos das Mulheres (PPDM)
- The Romanian Women's Lobby (RoWL)
- The Lobby Europeo de Mujeres en España (LEM España)
- The Swedish Women's Lobby (SWL) | Sveriges Kvinnolobby
- The Northern Ireland's Women's Platform
- EWL Coordination for Türkiye | Avrupa Kadın Lobisi Türkiye Koordinasyonu



“But who will watch the kids?”

Laurent Fabius, former French Prime Minister and Member of the French Socialist Party, on Ségolène Royale, former Minister and Member of the French Parliament, while she was running for the 2007 French Presidential Elections.

I. State of Affairs and Challenges under EU Law

A. Competence for EU Action

1. EU Treaties and Core Principles

The principle of non-discrimination and gender equality is recognised in the Treaties¹² as one of the **fundamental values** and **objectives of the EU**. In defining and implementing its policies, the **EU is obliged to oppose and fight discrimination based on sex**.¹³

The **Treaties do not explicitly mention gender equality as part of the EU's exclusive, shared, or supporting¹⁴ competences** (Articles 3, 4, and 6 of the Treaty on the Functioning of the EU (TFEU)). But, the EU has used [Article 157\(3\)](#),¹⁵ [Article 82\(2\)](#),¹⁶ and [Article 83 \(1\) TFEU](#)¹⁷ to legislate in this area.

Consistent with the assessment of the European Parliament's Committee on Women's Rights and Gender Equality (FEMM),¹⁸ there are strong arguments that the representation of women is part of the EU's shared competences. Gender equality is a fundamental right, and fundamental rights are a subcategory of the area of freedom, security, and justice, which is a shared competence between the EU and its Member States, as defined in Article 4 TFEU. Both the EU and the Member States should have the capacity to legislate on the topic and adopt legally binding acts, with the Member States exercising their competence insofar as the EU has not exercised its own. Additionally, it can be argued that gender equality falls under the social policy competence as well, certain aspects of which are a shared competence. An example of this is the recent Women on Boards Directive which was proposed under the legal basis of Article 157 (3) TFEU, which is situated under Title XI Social Policy in the TFEU.

[Article 8 TFEU](#) clarifies that the EU, "*in all its activities*", shall aim not only to eliminate inequalities between men and women, but also to promote equality between them. This [provides](#) the legal basis for "gender mainstreaming," *i.e.*, the strategy in which gender equality is to be "mainstreamed" into all areas of EU activities, including formation and implementation of policies.¹⁹

Additionally, the EU can adopt complementary legislation to support the Member States. It can **also adopt minimum requirements in the form of directives**, which enable Member States to adopt additional stricter provisions. **These directives include** amongst other subjects, **equality between men and women in employment**.

The Charter of Fundamental Rights. The [Charter of Fundamental Rights](#) (the Charter) was introduced by the Treaty of Lisbon and its content can be viewed as representing the objectives and values of the Treaty. It is binding on the EU Member States and has the same legal value as the EU Treaties.²⁰ Consequently, the Charter is directly enforceable by the EU institutions, by citizens and by national courts, and crucially, the EU institutions and bodies must conform to the rights and observe the principles contained in it.

The Charter states that any discrimination based on sex shall be prohibited.²¹ It also states that equality between women and men must be ensured in all areas, including employment, work and pay, and that the principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the underrepresented sex.²²

Problems with utilising the Charter to use the Treaty values as a basis on which to legislate. Poland and the Czech Republic have opt-out arrangements regarding the Charter, so its application may not be uniform across all 27 Member States.²³ Furthermore, the Charter itself does not compel the EU to legislate on a particular topic; rather, it is a guide that must be followed in the process of legislating on any topic.

The Principle of Subsidiarity.²⁴ The EU commonly proposes legislation on gender equality **using the principle of subsidiarity broadly**.²⁵ The principle of subsidiarity means that, in areas which do not fall within its exclusive competence, the EU can act only if the objectives of the proposed action cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale or effects of the proposed action, be better achieved at the EU-level. The language used, in this context, is commonly very ambiguous in the sense that **the EU does not provide a clear justification for legislating and/or explain why Member State initiatives are insufficient or inconsistent** (e.g., “[...] the objectives of this Directive [...] cannot be sufficiently achieved by the Member States and can therefore be better achieved at the Community level [...]”).²⁶

In 2020, the EU concluded that the efforts to promote gender equality through equal pay initiatives were not likely to materialise without EU action, and as such there was a need for a coordinated approach.²⁷ **The EU classified the national measures of the Member States as scarce and fragmented,** and thus concluded that a **uniformised approach to reach equal levels of social cohesion was appropriate**. Although, it did not specify how the Member States failed to achieve the objectives being protected in the Directives, as mentioned above, the EU seems to use this circular strategy (in addition to having a legal basis like [Article 157\(3\) TFEU](#)) to legislate: the Member States take initiative before the EU on gender equality issues, but once those initiatives are compared, the EU opts for harmonisation (in the sense that national measures are too fragmented and can thus undermine the internal market).

2. The EU Gender Equality Strategy

The EU Gender Equality Strategy 2020-2025 pursues objectives that include, *inter alia*, achieving equal participation across different sectors of the economy, and closing the gender care gap and achieving gender balance in decision-making and in politics. While the European Commission adopted proposals for binding legislation on issues such as pay transparency measures²⁸ and the fight against domestic violence,²⁹ action on the representation of women remains embryonic and primarily based on soft law instruments.

The European Commission “*continues to encourage and support*” EU Member States and stakeholders to achieve balanced representation of women and men in decision-making bodies. This action includes political dialogues, exchange of good practices, dissemination of data and analysis of trends, *etc.*

On 17 October 2022, and after 10 years of negotiations, the EU Council adopted the “Women on Boards” Directive.³⁰

This was followed by the Parliament’s approval on 22 November 2022.³¹ **This Directive is based on [Article 157\(3\) TFEU](#) which is the legal basis for any binding measures aimed at ensuring the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including positive action.** Under the Directive, at least 40% of non-executive director positions in listed companies should be held by members of the under-represented sex by 2026.³² EU Member States should be able to choose to apply the new rules to both executive and non-executive directors, in which case the target would be 33% of all



director positions by 2026. If listed companies fail to prove they have taken the necessary steps towards achieving the Directive's targets they can be subject to sanctions by the Member States. That being said, the Directive does not prescribe sanctions of a specific nature. It only requires the sanctions to be "*effective, proportionate, and dissuasive*". It also contains an indicative list of measures such as administrative fines and annulment of the appointment decision. Member States will need to establish fair and transparent selection and appointment procedures, based on a comparative assessment of the different candidates on the basis of clear and neutrally formulated criteria. This Directive constitutes a significant step for the equal representation of women in companies, although it is limited to director positions in listed companies (subject to Member States deciding to expand the scope) and should include more ambitious provisions when reviewed, as highlighted by the EWL.³³

No similar piece of legislation has been proposed on the representation of women in politics yet. In May 2022, the European Parliament adopted a legislative initiative report on reforming the European electoral law.³⁴ The Parliament text includes "zipped lists" (*i.e.*, alternating between female and male candidates) or quotas for transnational lists. To be legally adopted, the initiative would have to be approved by the EU Council (using unanimity), followed by the Parliament. Unfortunately, at the time of writing the EU Council rejected the introduction of transnational lists, which makes the adoption of the provisions on gender equality unlikely as those were tied to the creation of an EU-wide constituency and transnational lists.

B. The Representation of Women in the EU Institutions

Members of the Parliament (MEPs) are elected every five years. Each Member State is free to choose its own voting system for the election of MEPs, and to adopt gender-equality legislation.³⁵

Ahead of the European Parliament elections, each European political party appoints their lead candidate for the role of European Commission President, with the presidency of the Commission then going to the candidate of the political party which won the most seats (as in 2014), or, under a competing interpretation, the candidate capable of gaining sufficient parliamentary support (the "**Spitzenkandidaten**" system).³⁶ Since the entry into force of the Lisbon Treaty, the European Council is required to propose a candidate for the presidency of



the European Commission (taking into account the European Parliament elections and after “*appropriate consultations*”), giving it significant influence. The Parliament must then elect the proposed candidate by a majority vote.³⁷ Notably, Declaration 6, on Articles 15(5) and (6), 17(6) and (7) and 18 TEU, requires due consideration of the need to respect the “*geographical and demographic diversity*” of the EU and its Member States in this process.

Ensuring that the lead candidates put forward by the political parties contain at least one female option is crucial for gender equality at the EU level, given the prominent political role of the European Commission President.

In 1979, there were about 16.6% female MEPs in the first directly elected legislature. Since then, the percentage of women has slowly increased after each election (up to 35.8% after the 2014 elections).³⁸ The latest figures on gender representation in the European Parliament show that the percentage of women MEPs has slightly increased since the 2014 elections and now stands at 39%.³⁹

On top of the structure of electoral lists, voter attitudes towards women are key to understanding how many women are elected. The most updated publicly available information is dated 2017, from a Eurobarometer survey on women in politics.⁴⁰ 86% of the respondents to this survey thought that a female political representative could represent their interests, with women being more likely to agree than men (88% of women compared to 83% of men). Slightly fewer respondents (82%) thought that a male political representative can represent their interests, with 80% of them being women and 84% of them being men. Views on the existing distribution of power and whether there should be more women in decision-making positions were more nuanced and gendered. Among women, 62% thought that there should be more women in political decision-making positions in their country, while only 44% of men agreed. As regards the question of whether gender equality in politics has been achieved, 51% of respondents thought it had been achieved, more than at work (48%) or in leadership positions in companies and other organisations (44%).

In the *Spitzenkandidaten* system put in place in 2014, only the European Green Party nominated a woman as its leading candidate. The European Greens apply gender-based requirements to their internal structures.⁴¹ The party has gender-quota obligations for its full members and candidates,

and internal norms for its Committee (*i.e.*, its executive body) and Council (*i.e.*, the highest decision-making body), where each full member is entitled to a minimum of two delegates to achieve gender-balanced participation. In addition, gender-balance will be monitored after each vote. This quota implies that most of their leading positions are not only doubled to guarantee an equal distribution between women and men, there might also be more women than men. Ana Miranda, European Free Alliance (EFA)'s MEP interviewed for the IDEA paper, highlighted the commitment of the Greens/EFA group in the European Parliament to "lead by example" on gender equality.⁴² In 2019, both the Greens and the Party of the European Left presented co-candidates of different genders.⁴³ Additionally, the European Left and the Socialists have incorporated gender-based requirements into their statutes. The European Left applies a 50% quota to the election of all its organs (*i.e.*, Congress, Executive Board, and the Vice-Chairpersons),⁴⁴ except the Council of Chairpersons. While this is an improvement in relation to other parties, it appears insufficient given that the Council of Chairpersons is a key-decision organ within the party.⁴⁵ The Party of European Socialists (PES) also imposes gender-balanced obligations. All delegations of both the Congress and the Council must be gender-balanced, which means that "*there should not be more than a difference of 1 delegate between the two genders*".⁴⁶ Other political parties or groups with significant representation in the European Parliament do not include gender quotas requirements (*e.g.*, European People's Party and Renew Europe).⁴⁷

The information currently available shows that although there is some political and societal will for more gender-balanced lists of candidates, there was not enough progress made by the parties to adopt such an approach for the *Spitzenkandidaten* process.

C. The EU Electoral Law

As noted above, on 3 May 2022, the European Parliament adopted its legislative initiative report on a reform of the 1976 European Electoral Act.⁴⁸ The main aim of this review was to harmonise the rules applicable to the European elections among Member States. This would have affected criteria such as the electoral principles applicable to the selection of candidates, including new rules for gender quotas on electoral lists.⁴⁹ In particular, the Parliament text introduced measures for all political parties and other entities participating in European elections to ensure gender equality in their candidatures, either

by using a zipper system, *i.e.*, the alternation of candidates of both genders on the ballot paper, or quotas, “*without infringing the rights of non-binary people*”.⁵⁰ Despite being limited to EU-wide lists and transnational lists, from which only 28 MEPs would have been elected, this provision would have been an encouraging step forward for women’s representation in politics.

To be officially adopted, the proposal needed to be unanimously approved by the Council and obtain parliamentary consent by majority.⁵¹ On 18 October 2022, the Council of the EU held a first policy debate.⁵² At the time of writing, the Council has rejected the introduction of transnational lists which *de facto* removes the provision on quotas and zipped lists on electoral lists, as this provision was only envisioned to apply to the EU wide constituency.

This reform could have been a great way for the EU decision-makers to take concrete steps towards the EU legal obligation to foster equality between women and men.⁵³ Championing equality between women and men in politics would require the adoption of ambitious legislative measures, such as:

- **Making gender equality a fundamental and binding principle of European elections**, thereby reinforcing the EU’s democracy and implementing Article 2 of the Treaty on EU (TEU);
- **Establishing mandatory parity in candidate lists, both for national and Union-wide constituency lists.** Lists should have an equal number of male and female candidates;
- Ensuring **female candidates are placed at electable places** on national and Union-wide constituency lists by making **compulsory** the use of methods to **alternate female and male candidates such as zipped lists**;
- Spelling out the **obligation for political parties to nominate both a woman and a man as lead candidates.**

D. Elements of Intersectionality

The European Institute for Gender Equality (EIGE) [defines](#) intersectionality as an “*analytical tool for studying, understanding and responding to the ways in which sex and gender intersect with other personal characteristics/identities, and how these intersections contribute to unique experiences of discrimination.*” This is an element that the EU must take into consideration when “*defining and implementing its policies and activities*” per [Article](#)



[10 TFEU](#). Based on the above, actions covering discrimination against women must also include considerations related to their racial or ethnic origin, religion or belief, disability, age, or sexual orientation.

1. Sexual Orientation

[Article 19 TFEU](#) provides a legal basis to tackle all discrimination based on sex, racial or ethnic origin, religion or belief, disability, age, or sexual orientation. In addition, [Article 21\(1\) of the Charter](#) prohibits “any discrimination based on any ground such as sex [...] or sexual orientation”.

In November 2020, the European Commission presented its first-ever LGBTIQ Equality Strategy 2020-2025.⁵⁴ As part of this strategy, an LGBTI Subgroup on non-discrimination, equality, and diversity was created.⁵⁵ The Subgroup is composed of Governmental experts, nominated by Member State governments to support and monitor progress on the protection of LGBTIQ rights in the Member States. In May 2022, it published Guidelines for Strategies and Action Plans to Enhance LGBTIQ Equality,⁵⁶ which aim at identifying what LGBTIQ policies, strategies, and action plans should cover, and to support and encourage the Member States in line with the LGBTIQ Equality Strategy.

2. Disability

[Article 19 TFEU](#) prohibits discrimination based on grounds such as disability, in all the fields in which the EU has a competence. This article provided the legal basis for the Employment Equality Directive,⁵⁷ which prohibits discrimination not only based on disability, but also on religion or belief, age, or sexual orientation with regard to employment. The Directive does not define the notion of disability. National courts have referred to the European Court of Justice on how to interpret this concept. The definition of disability has evolved over time and was broadened, especially due to the EU’s adherence to the United Nations’ Convention on the Rights of Persons with Disabilities in 2013.⁵⁸ In *HK Danmark*,⁵⁹ the Court held that the concept of disability is a limitation resulting in particular from physical, mental, or psychological impairments, which in interaction with various barriers may hinder the full and effective participation of the person concerned in professional life on an equal basis with other workers.



While the European Commission's [DG Justice](#) is in charge of tackling discrimination based on (*inter alia*) disability, an EU legal framework on this matter is lacking. In addition, no directive or regulation has been adopted to fight against discrimination based on disability in public institutions. However, some Member States have adopted laws that establish the existence of a quotas system (*e.g.*, Portugal and Spain).⁶⁰

3. [Ethnic minorities](#)

The EU Treaties also prohibit discrimination based on racial and ethnic origin.⁶¹ Based on these, the EU institutions adopted the Racial Equality Directive,⁶² which has a wider scope than the above-mentioned Employment Equality Directive. It requires Member States to adopt relevant anti-discrimination legislation in several areas (*e.g.*, access to employment, working conditions, or social protection). This Directive covers both the private and the public sector.

The European Parliament has been fighting against racial discrimination for many years. Most recently, it adopted a Resolution on fundamental rights of people of African descent in Europe (March 2019),⁶³ a Resolution on the anti-racism protests (June 2020),⁶⁴ and a Resolution on the role of culture education, media, and sport in the fight against racism (March 2022).⁶⁵ The Parliament called for an end to structural racism and discrimination, racial profiling, police brutality, for the right to peaceful protest, and for a zero-tolerance approach to racism. However, to date, these resolutions have not been a basis for the adoption of a legally binding framework.

Finally, the data and surveys on the issue are scarce, both at the EU and the national level, making it very hard to measure the exact scale of these issues.⁶⁶

Legal Basis That Could Be Used by the European Commission. [Article 157\(3\) TFEU](#) provides that “[t]he European Parliament and the Council, acting in accordance with the ordinary legislative procedure, and after consulting the Economic and Social Committee, shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value.”

This legal basis was used for the adoption of several directives covering matters such as social security, employment, and equal



pay.⁶⁷ The EU institutions adopted a Directive establishing a general framework for equal treatment in employment and occupation to combat discrimination on the grounds of “*religion or belief, disability, age or sexual orientation as regards employment and occupation, with a view to putting into effect in the Member States the principle of equal treatment.*”⁶⁸ The Directive clarified that employment and occupation are considered by the EU institutions as “*key elements in guaranteeing equal opportunities for all and contribute strongly to the full participation of citizens in economic, cultural and social life and to realizing their potential.*”⁶⁹ The scope for action appears very broad: “*[w]ithin the limits of the areas of competence conferred on the Community, this Directive shall apply to all persons, as regards both the public and private sectors, including public bodies, in relation to: (i) conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion [...].*”⁷⁰

The broad interpretation of the notion of “*employment and occupation*” leaves room for a Directive to combat discrimination on the grounds of sex and gender, with a particular focus on the representation of women in public bodies, on the basis of Article 157(3) TFEU, as being linked to the principles and objectives of gender equality and non-discrimination. In practice, we believe that such legislation will be more likely to be passed if narrowly tailored.⁷¹ For example, a provision arguing for a comprehensive imposition of quotas in all Member State parliaments would likely receive a lot of political criticism and challenges based on the grounds of Member State sovereignty and on the principle of subsidiarity.

*“I love female journalists
who get down on their
knees easily.”*

Serbian Defence Minister Bratislav Gasic’s remark to Zlatija Labovic, a journalist from TV B92 after she crouched down to get out of her camera operator’s way.

II. EU Precedents

Judgments issued by the EU Courts are binding, as such they need to be taken into account in the overall context of proposing and enforcing a piece of legislation.

E. General Principles on Gender

Discrimination in the Workplace

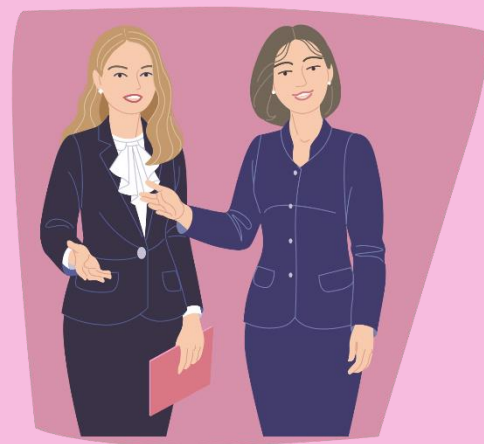
In the *Defrenne II* judgment,⁷² the Court issued a landmark ruling establishing a woman's right to equal treatment in the workplace. The Court held that this principle has direct effect, and that it is applicable to both the public and private sectors.

In the *Bilka* judgment,⁷³ the Court ruled on indirect discrimination. The Court found that exclusion of part-time employees from an occupational pension scheme may constitute indirect discrimination against women if that exclusion affects a far greater number of women than men, and as such cannot be objectively justified. This could have broader relevance as it shows that indirect discrimination is directly triggered if we know that a certain measure or decision is affecting (negatively) one gender more than another. As such, EU legislation, in order to be complete, must anticipate these possibilities and provide appropriate sanctions for the people/entities that fail to comply. However, this is based on the assumption that there is existing legislation which would directly or indirectly discriminate against women. When it comes to equal representation of women and men in politics, it is arguably the absence of law that creates discrimination.

F. Sanctions for Discriminatory

Behaviour

In the *Asociația ACCEPT* judgment,⁷⁴ the Court ruled on the criteria applicable to sanctions for discriminatory behaviour. The Court found that the sanctions in discrimination cases must comply with three criteria: (i) effectiveness, (ii) proportionality, and (iii) dissuasiveness. A non-pecuniary warning penalty was found not to comply with the requirements. The remedies under



national law should satisfy all three criteria. This should be taken into account when analysing whether or not national and EU measures on gender equality provide for appropriate sanctions.

In the *Braathens Regional Aviation* judgment,⁷⁵ the Court also ruled on the effectiveness of sanctions for discriminatory behaviour. In this case, the Court found that the payment of compensation in the absence of acknowledgement that discrimination took place, is not enough for the national remedy to be effective.

“A woman who rejects motherhood, who refrains from being around the house, however successful her working life is, is deficient, is incomplete.”

Turkish president Recep Tayyip Erdoğan on family planning and population policies in June 2016.

The Guardian, Turkish president says childless women are 'deficient, incomplete', 6 June 2016. Available [here](#).

III. National Legislation and Initiatives

Zooming into the national level the variety of initiatives on women's representation in political decision-making across Member States ranges from the adoption of legislated candidate quotas to voluntary party quotas to initiatives on care services and Violence Against Women and Girls and to focusing on non-discrimination in State position appointments (e.g., Sweden's profile below).

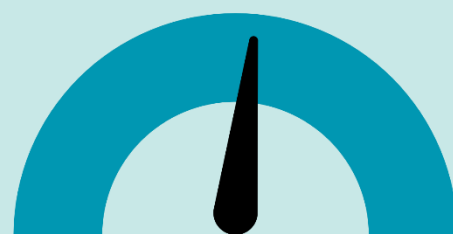
A. Countries without Legislated Candidate Quotas

A few European countries deliver gender-balanced parliaments⁷⁶ despite the absence of mandatory quotas. In 2022, that was the case for Finland (45.5% female MPs), Sweden (46.4% female MPs), and Iceland (47.6%).⁷⁷ This practice appears to be limited to the Nordic countries, some of which have implemented voluntary party quotas while benefiting from a culture of gender equality embedded in their societies, and have had acceptance by most political parties of gender equality as the norm for many decades.⁷⁸ As mentioned in more detail below, grassroots organisations have historically played a significant role in the empowerment of women in these countries.

In addition, education policies on gender roles/norms have been put in place and have contributed to improving the representation of women in both the public and the private sector. The percentage of women attaining tertiary education in the Nordics is significantly higher than the EU average rate.⁷⁹ Policies are also in place to promote gender equality in preschools in Nordic countries.⁸⁰

Among the countries investigated, 53% do not have legislated candidate quotas, such as Bulgaria, Cyprus, the Czech Republic, Finland, Germany, Iceland, Lithuania, Sweden, Türkiye, and the UK. Among the latter, 80% have other tools to improve women's representation in politics including voluntary party quotas (88%) in the case of Cyprus, Finland, Germany, Iceland, Lithuania, the UK, and Türkiye; guidelines or codes of conduct (25%) in Iceland

53%
of investigated
countries do not
have legislated
candidate quotas



and Finland; training (13%) like in Lithuania; and strategies, and action plans (13%) like in the Czech Republic.⁸¹

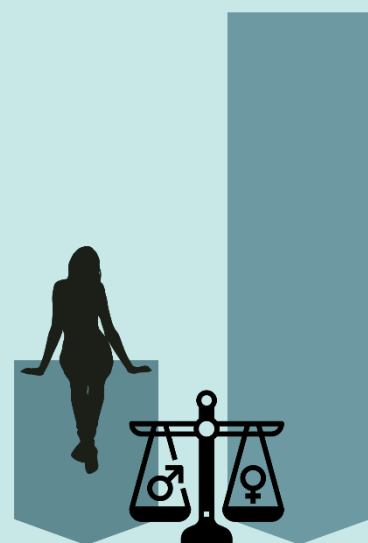
Countries like Iceland are often used as an example of gender balanced parliaments with 47.6% of its MPs being women. However, when it comes to voluntary party quotas it is essential to note, as illustrated by the Icelandic case, that:

- The political culture and gender norms play a fundamental role in the adoption of voluntary party quotas, as well as policies conducive to greater equality between women and men. For instance, Iceland's parental leave Act gives equal entitlement to both parents to parental leave: maternity/paternity/parental leave is 12 months, covering children who are born, adopted, or taken into permanent foster care. The independent entitlement of each parent is six months, and each parent may transfer six weeks to the other. Additionally, daycare for children is universal and affordable: 97% of children aged three-to-five are in playschool, 95% of children aged two and 47% of children aged one.⁸²
- The success of voluntary party quotas and the sustainability of potential progress rests on the political will of the parties. Currently, four out of eight parties in the Icelandic parliament have internal guidelines to ensure that women have equal representation on their candidate lists and in the top seats of the candidate lists. However, the other half do not. In the 2017 elections the number of women in parliament dropped from 48% to 38%, with the main reason being that two of the new parties elected to the parliament had no interest in being gender inclusive and had not taken up voluntary party quotas.⁸³

B. Countries with Legislated Candidate Quotas

Countries having gender-balanced parliaments include for instance Belgium (43%)⁸⁴ and Spain (43.0%).⁸⁵ Both of these countries have adopted legislated binding quotas.

Studies show that countries without tools like binding legislated candidate quotas will take more than 60 years to achieve gender parity in their parliament while those with binding quotas are expected to take less than 20 years.⁸⁶



**Countries
without binding
quotas will take
3 times
longer to achieve
parity in
parliaments**

Several EU Member States have legislated candidate quota laws in place (e.g., Belgium, France, Croatia, Luxembourg, and Portugal).⁸⁷ These laws usually require that at least 30% of candidates for national parliamentary elections are women, with a 40% minimum being most common. Legislated candidate quotas have proved to be the most effective tool for “fast tracking” women’s representation in elected bodies of government. In countries with legislated candidate quotas, women’s share of parliamentary seats has increased from 18% in 2004 to 34% in 2021.⁸⁸

Among the countries surveyed, 47% have adopted legislated candidate quotas, including Belgium, Croatia, France, Greece, Italy, Poland, Portugal, and Spain.⁸⁹ All of these specified targets to be reached and 56% requested the use of alternation methods such as zipped lists (for example Belgium, France, Italy and Spain);⁹⁰ having women and men represented in such a way on party electoral lists is crucial to ensure women are not tokenised on the lists and are placed at “electable” places.⁹¹ In France, for instance, the electoral lists must alternately present a candidate of each sex until the candidates of one of the two sexes are exhausted.⁹²

Among the countries that have legislated candidate quotas, in 2022, the legislation in 78% of these countries applied at a subnational level (namely city, regional and/or departmental levels), 100% to their single/lower house of parliament, 56% to the upper house of parliament, and 44% to the EU elections.⁹³

In all of the countries surveyed, the legislated candidate quotas were supported with sanctions. Sanctions are critical in ensuring compliance with quota legislation. They must be appropriate if they are to be an effective deterrent to breaches of the legislation. Sanctions can include rejection of the list (78% of countries surveyed including Belgium, France, Greece, Italy, Poland, Portugal, and Spain) and/or financial sanctions (56% of countries surveyed for instance Croatia, France, Ireland, and Italy).⁹⁴ The case studies included in this research show that the rejection of the list is a more compelling sanction to ensure respect of the quota legislation than fines. In France, where the sanction is only a fine, payment of the fine seems to be preferred to compliance by parties. Indeed, some political parties include the penalty in their budget and deduct it from the expected received public funding. According to the 2019 draft Finance Law, the party “Les Républicains” paid a €1.78 million penalty in 2017, while “La France Insoumise” paid €252,517, “L’Alliance écologiste indépendante” €54,626, “Le Parti Animaliste” €37,336,

Legislated candidate quotas have proved to be the most effective tool for “fast tracking” women’s representation in elected bodies of government



“La France qui ose” €34,297, and “Debout la France” €13,248.⁹⁵ In total, the top 17 French political groups lost €2.18 million in 2018 for not complying with the parity rules during the 2017 legislative elections. In contrast, in Spain, the rejection of the list for non-compliance seems to have a significant deterrent effect, even on conservative parties (see Spain’s profile below).

As briefly mentioned previously, the type of quota systems implemented is determinant of the results in terms of equal women’s representation. Alternation methods are crucial, to ensure women get elected, but sometimes not sufficient. Indeed, in Portugal, despite the legislation setting a 40% quota for the lists, women make up only 37.2% of the parliament.⁹⁶ In total, the candidate lists presented by the parties elected to parliament were made of 46% women. Nonetheless, this did not translate to a gender-balanced parliament. The issue rests with the number of women put at electable places on the list; for eight of the parties represented in the parliament, the total of women put at the top of the lists fell to 34.4%; the Left Bloc was the only party with parity at the head of its list. So, despite the 2019 amended “Parity Law” introducing a 40% quota and alternation, and considering that some parties only elect one candidate, provisions on parity at the top of the list would still be required to ensure gender balance or that parity on the lists indeed leads to a gender balanced parliament.⁹⁷

78% of countries surveyed that had legislated candidate quotas also had soft measures in place. In Ireland for instance, political parties have developed codes of conduct, and training and mentoring programmes. In Croatia, Greece, Italy, Poland, Portugal, and Spain, some political parties had also adopted voluntary quotas.⁹⁸

While the scope of progress depends on the quota system fitting the specific context, as well as using alternation and appropriate sanctions and being implemented efficiently, in countries where they have been implemented, legislated candidate quotas led to an improvement in women’s representation in politics.

- In Ireland for instance, only 15% of the lower house of parliament was represented by women in 2011, while in 2016 – the first general elections in which quotas were applied, this proportion increased by seven percentage points while it had previously taken 22 years and five electoral cycles to see a similar increase. In the 2020 General elections, the proportion of women in the lower house of the parliament reached 24%. Despite the progress still needed to reach

56%

of the countries surveyed that had legislated candidates quotas requested the use of alternation methods such as zipped lists (for example Belgium, France, Italy and Spain)

gender balance, it is worth noting that all parties met, and in most cases exceeded, the 30% gender quota threshold. A significant achievement considering that women's candidacy averaged 15% across political parties before the quota's implementation.⁹⁹

- In France, encouraging progress has also been witnessed since the introduction of legislated candidate quotas, especially at subnational level. For instance, the proportion of elected women in departmental councils went from 13.8% in 2011 to 50.1% in 2015.¹⁰⁰

Among the countries that have adopted legislated binding quotas, the most common challenges for implementation are gender norms and political culture, internal party dynamics, the lack of resources and weak monitoring.¹⁰¹ In Italy for instance, the remaining male dominance at powerful leadership positions,¹⁰² the slow legislative process,¹⁰³ and the masculinist culture which views politics as men's domain¹⁰⁴ have all been identified as significant barriers.

It is essential to understand that reaching equal women's representation in politics requires a multifaceted approach. First, positive measures are a valuable asset towards this aim. Binding quotas are a necessary and temporary tool to address the existing bias in society. Second, it is also crucial to put in place policies that advance gender equality in society at large and enable women to contribute to political life at the highest level of decision-making; for instance:

- Violence against women and girls is an important barrier that women politicians, candidates, and activists face. A study from the Inter-Parliamentary Union and the Parliamentary Assembly of the Council of Europe (2018)¹⁰⁵ reveals that 85.2% of female Members of Parliaments (MPs) surveyed had suffered psychological violence in the course of their term of office, 46.9% had received death threats or threats of rape or beating, 58.2% had been the target of online sexist attacks on social networks – all used as a tactic to silence women. 33.3% of the women MPs surveyed said that it had affected their freedom of expression. Hence, it is of paramount importance to have legislation that puts an end to all forms of violence against women and girls and make politics a safe environment for women.

Violence Against Women and Girls (VAWG) is an important barrier that women politicians, candidates and activists face



**Incidence of cases of violence against women
suffered by the interviewed female MPs**

85.2%

suffered
psychological
violence

46.9%

received rape of
death threats

58.2%

had been the target
of online sexist
attacks

- Domestic and caring responsibilities still disproportionately fall on women depriving them of the time needed to become more involved in politics. The first wave of the Covid-19 pandemic saw women spend more hours than men on unpaid care. For instance, they spent 18.6 hours a week on cooking and housework compared to 12.1 hours for men.¹⁰⁶ Thus, it is essential to develop affordable, accessible, and high-quality care services in most EU countries to give women the ability to participate in all aspects of social, economic, cultural, and political life.
- Female candidates and politicians must also be given a platform to share their voices, to convey their messages; in this process, women's under-representation in the media is problematic, moreover the way they are portrayed is critical in positioning them as legitimate politicians. The study revealed that women are barely present in the media (Bulgaria), that male politicians are dominant in the media including on panels and political discussions (Greece, Cyprus, Türkiye),¹⁰⁷ that coverage of women in politics focuses on their personal life (Bulgaria, Finland),¹⁰⁸ and that it uses sexist descriptions such as commenting on their appearance and roles as potential mothers, *etc.* (Ireland, Sweden, France, Cyprus, Spain, and Finland).¹⁰⁹ In Iceland for instance, 31.6% of female MPs experienced the publication of their images or comments with a sexual connotation *versus* just 16.7% of male MPs.¹¹⁰

**Time spent on
housework and
cooking during first
wave of Covid-19**

 **18.6**
hours/week

 **12.1**
hours/week

C. Diversity Quotas

When it comes to other diversity characteristics such as ethnicity, religion, sexual orientation, disabilities, *etc.*, the research shows that very few of the countries surveyed had put in place binding quotas or targets when it comes to ensuring women's diversity in politics.¹¹¹ Portugal has disability quotas in place, but these are limited to public administration competitions (*i.e.*, not applicable for parliament elections). Where the number of places put up for competition is equal to or greater than 10, a minimum of 5% of the total number of places, rounded off to the nearest unit, must be filled by individuals with disabilities.¹¹² In Wales, in 2022 the special purpose committee on Senedd Electoral reform (Welsh National Assembly) supported WEN Wales' and the Diverse 5050 campaign's calls for legally binding gender quotas.¹¹³ However, the call to introduce "*diversity quotas for characteristics other than gender*" was deemed to require further examination, and for now merely encourages parties to publish a Diversity and Inclusion strategy.¹¹⁴ It is critical not only to ensure equal women's representation but also to guarantee that all women have equal opportunities to enter governing bodies, influence policies and political outcomes, and that women's interests and concerns are on the political agenda. In the case of migrant women for instance, a 2021 study from the European Network of Migrant Women *et al.*,¹¹⁵ highlights that the stereotyping and traumatising experiences that young migrant women suffer from lead them to have a distorted view of their capacities and role in society; a self-perception that creates internalised barriers to their political participation. The resulting lack of political representation and "role models" with similar life experiences in places of power contributes to young migrant women's voices being silenced and their experiences not being addressed.

D. Supporting Initiatives

Gender quota laws are often supported by measures and activities that empower women to take part in politics. These measures can facilitate more women in politics (such as the Power2Her local government campaign),¹¹⁶ training for potential women candidates (such as Women for Election¹¹⁷ and the GEPL Project),¹¹⁸ and reports on gender equality in the electoral and political systems (such as the European Parliament's study on candidate procedures).¹¹⁹



Female candidates and politicians must be given a platform to share their voices

At the national level, several initiatives can support EU efforts (without replacing the EU action). They include reporting and accountability mechanisms, organised training in electoral campaigns for women willing to run for elections, non-governmental organisations' advocacy for women's right to stand for election, and training in gender impact assessments for decision-makers to ensure that policies further gender equality and do not negatively impact it.¹²⁰ Examples of good practices can be found on the European Institute for Gender Equality (EIGE)'s website. See below for a few examples:

- In Germany, the cross-party Helene Weber-College programme advocates for more women in politics.¹²¹ It holds summer schools, empowerment programmes, and awards a government-sponsored prize for outstanding female local government politicians.
- In Finland, the administration of the city of Vantaa has organised a training in gender impact assessments for its staff.¹²²
- In Iceland, the government is obligated to draft a four-year gender equality action plan after having received proposals made by the ministries and after consultation with the Directorate of Equality.¹²³ The Parliamentary Resolution on a Gender Equality Action Programme for the period of 2020–2023 is the seventh of its kind.
- In Malta, there are initiatives within the Maltese Labour Party to increase women's political representation.¹²⁴ The party acted on electoral quotas, party structures, capacity development and awareness-raising. In addition, in 2013, Fondazzjoni IDEAT (*i.e.*, the Labour Party's think-tank) launched an initiative to encourage and support more women to enter politics by running a training programme in Brussels (the LEAP Project).¹²⁵ In the context of the 2022 national parliament elections, only four women were initially elected, three of them being from the Labour Party.¹²⁶ This number was subsequently increased to 10 during the "casual election process."¹²⁷ This process takes place, for instance, when a member of the parliament resigns or vacates. In addition, a gender corrective mechanism is applied when less than 40% of the seats are held by women, leading to 12 additional women being co-opted to parliament in 2022.¹²⁸ There are 22 women in the current 79-seat parliament, which amounts to 27.85% women.¹²⁹ Out of the 139 candidates, only 33 were women, and only 12% of them were elected.

The lack of political representation and “role models” with similar life experiences in places of power contributes to young migrant women’s voices being silenced



- In Portugal, a project named “From Woman to Woman” encourages young women to participate in politics.¹³⁰
- In Sweden, the government has established the Gender Mainstreaming in Government Agencies (GMGA) programme,¹³¹ aiming to integrate gender equality in all aspects of each agency’s work. Among other initiatives, the Government has decided to task the Gender Equality Agency with boosting gender mainstreaming in government agency activities.
- In Italy, gender mainstreaming actions and activities have been coordinated through European Social Funds and European Regional Development Fund programmes,¹³² but NGOs such as the Italian Association for Women in Development and various feminist organisations work both inside and outside of the political system.¹³³

E. Measures to Enhance Women’s Participation and Representation in Political Decision-making

Several national initiatives were adopted under the ambition to enhance democracy by allowing women and men to “*pursue their chosen path in life, where they have equal opportunities to thrive, and where they can equally participate in and lead our European society.*”¹³⁴ See below for a few examples:

- In France, the Calvez Report on women in the media made 26 recommendations to increase and strengthen equality between women and men in the media (see France’s profile below).¹³⁵
- In Sweden, the Politician’s Safety Survey measures the significance and consequences of harassment, threats and violence against elected representatives (including online sexual harassment and abuse of female representatives).¹³⁶
- In Spain, the Women’s Participation Council was established in 2007 and advises the Spanish government on policy matters.¹³⁷
- In Germany, DaMigra, an organisation of women’s migrant associations, promotes migrant women’s viewpoints to the government, and supports migrant women in accessing services and employment.¹³⁸



- In Ireland, the Citizens' Assembly on gender equality was established as a deliberative forum of 100 citizens established by the government to make recommendations on constitutional and policy reforms in this area.¹³⁹

Legislative Quotas per Level of Governance in Europe

Country	National	Subnational	EU
Belgium	✓	✓	✓
Croatia	✓	✗	✗
France	✓	✓	✓
Greece	✓	✓	✓
Ireland	✓	✗	✗
Italy	✓	✓	✓
Poland	✓	✓	✗
Portugal	✓	✓	✓
Spain	✓	✓	✓

F. Non-Discrimination in State Position

Appointments: The Swedish Example

As mentioned above, while there is no binding quota legislation in place in Sweden, there is close-to-equal representation of women and men in both the national parliament and the government. This is due to voluntary practices set up by the political parties.¹⁴⁰

However, Sweden has a Non-Discrimination Act in force, which covers, *inter alia*, gender-based discrimination.¹⁴¹ In addition, there is a Swedish Instrument of Governance that contains background rules on gender equality, including a rule allowing positive action.¹⁴² Under the Instrument, only objective criteria can be taken into consideration when appointments to State positions are made, and such criteria include merits and abilities. There is also a long-term practice in Swedish public and administrative law allowing a certain scope for positive action within this constitutional rule based on objective grounds. This practice is supported by an Administrative Ordinance which

states that in addition to merits and abilities, account must also be taken *"of objective reasons consistent with the general aims of policies relating to the labour market, equality, social matters and employment."*

“A lot of people will be wondering are you two meeting just because you’re similar in age and, you know, got a lot of common stuff there.”

Journalist’s comment to New Zealand Prime Minister Jacinda Ardern and her Finnish counterpart Sanna Marin during a joint news conference in Auckland (30 November 2022)

The Washington Post, *Two female leaders had a historic meeting. They got asked about their age*, 30 November 2022. Available [here](#).

IV. National Case Studies

A. Belgium

Main legislation. Gender quotas targeting elected political office were adopted in 1994.¹⁴³ In 2002, new gender quota acts were adopted for elected political office.¹⁴⁴ While the 1994 act applied to all elections, the 2002 acts did not apply to the communal and provincial polls, since their organisation became the responsibility of the regions. As described below, the Belgian Constitution also guarantees equal access to elective and public mandate for all genders.

Constitutional right to equal access to public mandates. Article 11*bis* of the Belgian Constitution guarantees equal access to elective and public mandates for all genders. This applies to all governing levels, from the federal down to the municipal one.

Legislated candidate quotas for elections at all levels. Belgium has a bicameral parliament with legislated quotas for the lower house (Chamber of Representatives) and upper (Senate), and across all levels. In 1994, Belgium became the first country in the world to adopt legislated gender quotas for all parties competing in elections and across all levels of government. This law led to an increase in the proportion of female members of parliament from 16% to 25% in 1999 (in the lower house).¹⁴⁵ In 2002, new gender quota acts were adopted to require all Belgian parties to place an equal number of men and women on candidate lists and among the top two positions of each list. This compels political parties to put forward an equal number of female and male candidates, including for the top two positions of each list (and at least one woman in the top three in the first election after coming into force).¹⁴⁶ Non-compliance with the gender-parity legislation results in the rejection of the candidate list. The 2002 law was applied to the federal elections in 2007 and the regional and the European Parliament's elections in 2009.

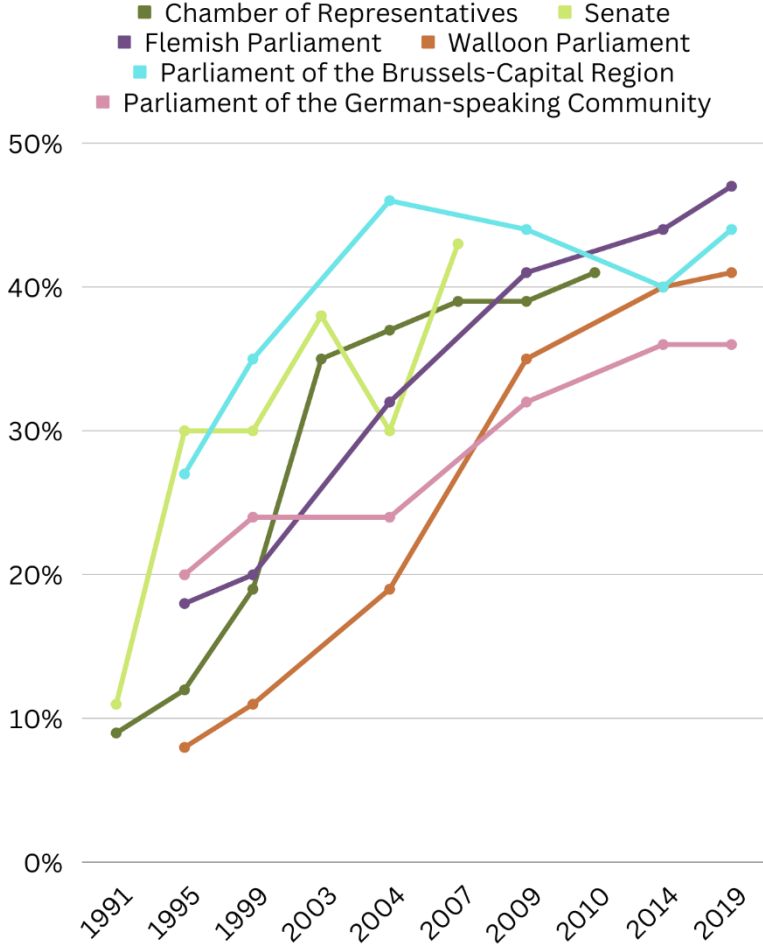
The lower house saw the percentage of women rise to 38% by 2007. The new legislation dictated that the difference between the number of candidates from each gender on every electoral list a party submits should not exceed one. Since then, the percentage of female representatives has risen further, and in 2014 women made up 41% of the Chamber of Representatives, 44% of the Flemish parliament and 50% of the senate.¹⁴⁷ The



In 1994, Belgium became the first country in the world to adopt legislated gender quotas for all parties competing in elections and across all levels of government

communal and provincial electoral rules are at this stage locally regulated, but largely follow the federal gender-parity legislation.¹⁴⁸ More recently, the Brussels and Walloon regional governments adopted the zipper principle, which requires the alternation of men and women across the entire candidate lists in local and regional elections.¹⁴⁹

Percentage of women elected at the federal and regional level in Belgium.¹⁵⁰



Implementation. When it comes to elected office in political decision-making, the effectiveness of gender quotas is further enhanced by the type of sanction which goes hand-in-hand with the gender quotas. The sanction consists in all cases of a rejection of the list of candidates not complying with the quota rules. Since this sanction excludes parties from participating in

the elections, the sanction is not only one which is easy to adopt and apply, but also a very efficient one. Given the fact that the Belgian electoral system is a proportional list system, but with a huge range of district magnitude, the effectiveness of the gender quotas is furthermore due to the establishment of mandates for top positions on each list.¹⁵¹ Today, Belgium constitutes one of the frontrunners in women's representation in politics in Europe. Most elected assemblies at the national and regional level have more than 40% women elected in the current period. In addition, Belgium also features among the countries that have made the most progress since 1991. In the Belgian Chamber of Representatives, the largest elected assembly in the country, the number of women grew from a meagre 9% in 1991 to 41% in 2019.¹⁵²

Women leadership and legislation in favour of women's rights. In 1991, only 9% of the members of the Belgian parliament were women.¹⁵³ In 2019, the Belgium parliament's lower house had 42.7% of women and the Senate 45%.¹⁵⁴ Since then, the parliament has passed legislation to address gender-based discrimination and violence.¹⁵⁵ In 2021, Belgium adopted a National Action Plan for the Fight against Gender-Based Violence creating a framework for the adoption of prevention and protection measures in this field.¹⁵⁶ This Plan establishes an intersectional approach, focusing in particular on immigrants, LGBTQIA+ people, people of different ethnicities, people in prostitution, and people with disabilities.¹⁵⁷

In addition, the parliament adopted legislation that improved the benefits in the context of maternity and adoption leave.¹⁵⁸ The Royal Decree of 15 December 2019 provided a "birth leave" (previously called paternity leave) to self-employed fathers or co-parents (and spouses who are carers).¹⁵⁹ Before that date, this leave was only available for employees in the private sector and for public servants. Further, the Royal Decree of 13 May 2020 introduced "coronavirus" parental leave for workers in the private sector who have been in service with their employer for at least one month, as well as for all staff members in the public sector.¹⁶⁰ Further, the Royal Decree of 4 June 2020 introduced a system of temporary parental allowance for self-employed people, which can be considered to be compared with the parental coronavirus leave for employees.¹⁶¹ Finally, the Federal government adopted a draft framework law in October 2022 to improve the rights and protections of victims of femicide.¹⁶²

Today, Belgium constitutes one of the frontrunners in women's representation in politics in Europe

B. Bulgaria

No legislated candidate or voluntary party quotas. Bulgaria has a unicameral parliament. Despite the Law on Equality between Men and Women, it does not appear to have any mandatory or voluntary quotas in place, either at the European, the national, or the sub-national level.¹⁶³ There are 58 women in the current 240-seat parliament, which amounts to 24.2% women.¹⁶⁴ The most important barriers to women's equal representation in politics identified are gender stereotypes and norms, the political parties' cultures, and the structure of candidates lists. As for violence against women and girls, women politicians are the targets of online violence, but the topic is not high on the political agenda.

C. Croatia

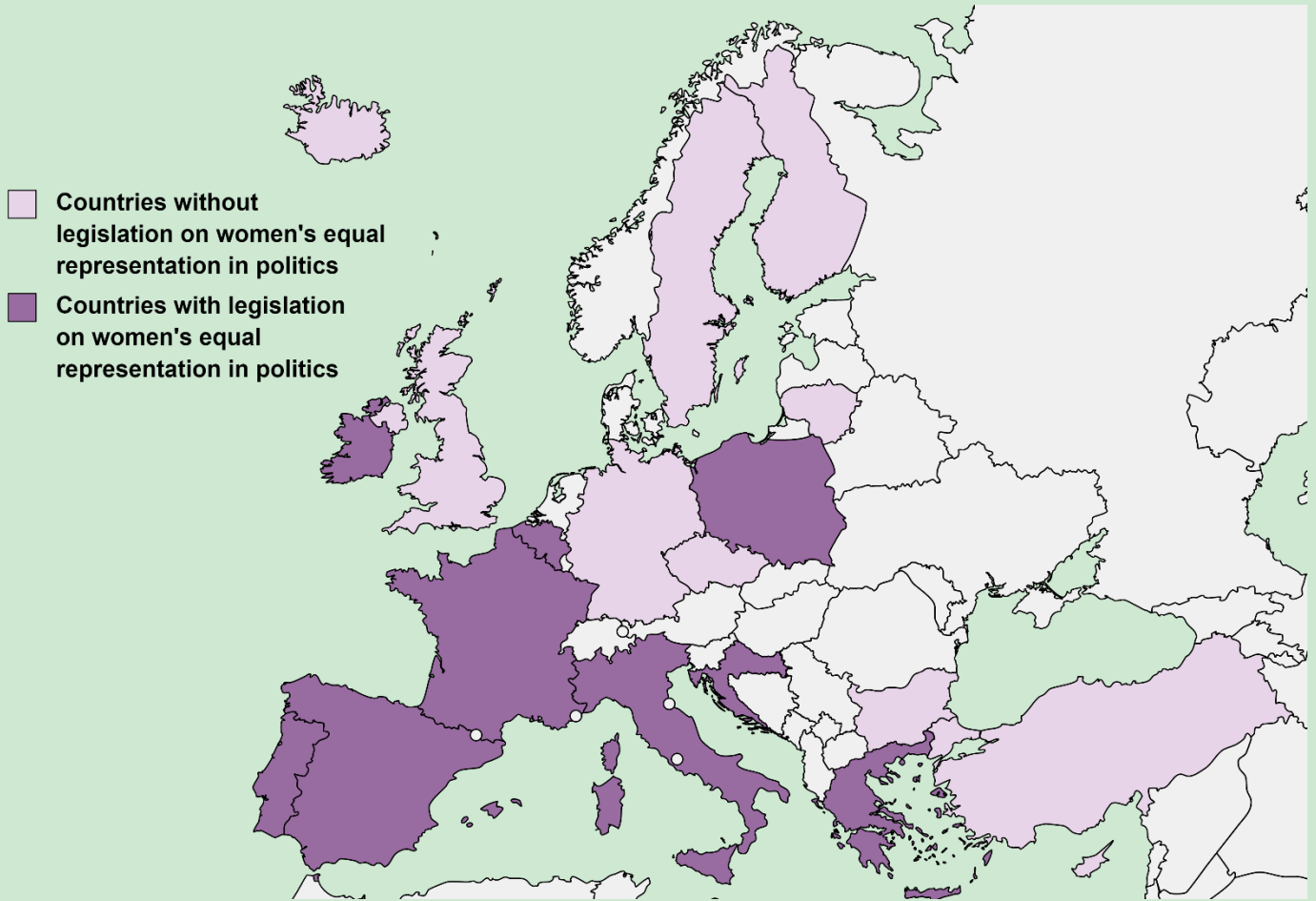
Main legislation in force. The Act on Gender Equality.¹⁶⁵

Legislated candidate quotas for national elections. Croatia has a unicameral parliament. Under the Act on Gender Equality, the under-represented sex must not account for less than 40% of the representatives in political and public decision-making bodies (Article 12.3). In addition, political parties must "*achieve the balance in terms of the representation of women and men on such election lists.*" There are 48 women in the current 151-seat parliament, which amounts to 31.8% women.¹⁶⁶

Financial penalties and incentives. Failure to comply with the requirement of balance in the election lists can lead to a fine of only €6,637 in case of elections of members to the Croatian parliament. The Croatian legislation also provides political parties with incentives to include women in their election lists. For each elected member of the Croatian parliament (or representative body at the local/regional level), the political parties are entitled to a bonus of 10% of the amount allocated for each member of the Croatian parliament.¹⁶⁷



Distribution among the Surveyed Countries



Type of Imposed Sanctions

Country	Ireland	Spain	Portugal	Italy	Poland	Croatia	Belgium	Greece	France
Rejection of the list		✓	✓	✓	✓		✓	✓	✓
Financial sanctions	✓			✓		✓			✓

D. Cyprus

According to the 2022 Gender Equality Index published by EIGE, Cyprus ranks 19th in the EU on the Gender Equality Index, with a score of 7.9 points lower than the EU average.¹⁶⁸ In the latest edition of the Index, Cyprus scored only 34.6 points in the domain of political power, with women making up only 25% ministers.¹⁶⁹ Cyprus, already among the countries where women account for fewer than one in five members in parliaments, experienced a 3% drop in representation in 2021 compared with the 2016 parliamentary elections. At the present moment, Cyprus has eight women in a 56-seat parliament, which amounts to 14.3% women.¹⁷⁰

Legislated candidate quotas. Cyprus has a unicameral parliament. It does not have any mandatory quotas for female representation at national or sub-national level. Even though Article 28 of the constitution of Cyprus guarantees the principle of equality and non-discrimination on the basis of sex, among other grounds, a constitutional amendment would be required to enable the passing of legislation for actively promoting quotas for women's participation in politics and in policy making positions. In line with that, a recent decision by the Supreme Court of Cyprus in the field of equal representation in managerial boards (requiring that 30% of Boards should be composed of women) mentioned that the enactment of such a law would be unconstitutional, thus proving that the way to equal representation will not be easy.

Voluntary quotas. Political parties in Cyprus have established voluntary quotas. The Movement of Socialist Democrats (EDEK) has a 30% quota for women in all their electoral lists, while the Democratic Rally of Cyprus (DISY) has also established a 30% gender quota for its candidates in the national, municipal, and European elections, as well as with regard to the party's internal structures. Lastly, the Democratic Party only prescribes in its articles of incorporation that *"the Central Committee consists of 120 elected members, of which at least 20% are women."* However, efforts by the political parties to increase the number of women involved in politics have been superficial and have offered no real influence or decision-making powers. Political parties generally do not promote women as candidates for election in representative bodies or propose women as candidates for appointment to top decision-making positions. This is because Cyprus does not have a long history of gender



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equality/grassroots movements and there is no broad political agreement on gender equality policy.

Government initiatives. In 2014, the government for the first time distributed a Strategic Plan on Equality between Women and Men to different government departments, ministries, and local authorities. This precedent continued with a National Action Plan (NAP) on Gender Equality 2018–2021, aiming to increase awareness for gender equality throughout different areas of the country. The 2019–2023 National Action Plan on Gender Equality includes measures to combat violence against women and implement the Istanbul Convention (see also below), and to empower vulnerable groups of women and eliminate gender stereotypes and prejudices. The government of Cyprus has also established six new committees to bridge the gender gap, with two committees specifically targeting violence against women, trafficking, and economic empowerment. Nevertheless, progress has not materialised at the government level – in the civil service, there are ten men and only one woman in the position of director general of ministries, while in the deputy ministries the positions are shared.¹⁷¹

The Istanbul Convention as an opportunity. Overall, there is a positive momentum in Cyprus due to the ratification of the Istanbul Convention being viewed as an opportunity by the government to adopt and implement ambitious legislation to combat domestic violence and to ensure gender equality. Legislation that has been adopted in the area of violence against women following the ratification of the Convention includes:

- Law 115(1)/2021 on the Prevention and Combating of Violence against Women and Domestic Violence aimed at implementing the Istanbul Convention;
- 2020 Law on Combating Sexism and Sexist Behaviour;
- 2021 Law for the Protection from Harassment and Stalking;
- An Amendment to the definition of rape with a view to aligning it more closely with the Convention.

In addition to the above, other relevant important measures that have been championed by Cyprus with a view to implementing the Istanbul Convention include the establishment of the Women’s House, in cooperation with civil society, the set-up of special units within the police to investigate cases of gender-based and domestic violence, and the adoption in 2018 of a risk assessment protocol for the police in cases of intimate partner

The Istanbul Convention is an opportunity for the government to adopt and implement ambitious legislation to combat domestic violence and to ensure gender equality

violence. Finally, the parliament adopted legislation introducing the offence of femicide and amending family law in line with Article 31 of the Convention. Despite the momentum created by the ratification of the Istanbul Convention and the development of a legislative framework on violence against women and girls, there are still important obstacles to the realisation of equality between women and men in Cyprus, the biggest ones being a lack of broad political agreement on gender equality policies and a deeply rooted patriarchal society.

E. Czech Republic

No legislated candidate quotas. The Czech Republic has a bicameral parliament. It does not currently have any mandatory legislated candidate or voluntary party quotas in place, either at the European, national, or sub-national level. There are 51 women in the lower house (Chamber of Deputies) in the current 200-seat parliament, which amounts to 26% women. In the upper house (Senate), this is 15 women out of 81 seats (18.5%).¹⁷²

Background. Despite the low female parliamentary representation and three unsuccessful legislative proposals, the country has never adopted any quota mechanism, and most political parties are reluctant to use voluntary party quotas. The identified main barriers to equal women's representation in politics are gender stereotypes/norms, the political parties' cultures, and the structure of candidates lists. The main argument put forward by liberal parties is that quotas would not solve the issue of women's under-representation, as they claim that the problem lies with the supposed women's lack of interest in politics.¹⁷³ Many women politicians appear to internalise the dominant negative quota arguments, preventing them from requesting institutional reforms on the matter.¹⁷⁴ This quota reluctance might also be related to historical and political experiences common to post-communist countries.¹⁷⁵

F. Finland

Main legislation in force. The Act on Equality between Men and Women¹⁷⁶ states that its objectives are "to prevent discrimination based on gender, to promote equality between women and men, and thus to improve the status of women, particularly in working life," as well as "to prevent discrimination based on gender identity or gender expression."¹⁷⁷ Under the Act, the proportions of both women and men in government



committees, advisory boards, and municipal bodies must be at least 40%, unless there are special reasons. If a body, agency, or institution exercising public authority, or a company in which the Government or a municipality is the majority shareholder has an administrative board, board of directors, or some other executive or administrative body consisting of elected representatives, this must comprise an equitable proportion of both women and men, unless there are special reasons.¹⁷⁸ Authorities and bodies providing education shall ensure that girls and boys, as well as women and men, have equal opportunities for education, training, and professional development, and that teaching, research and instructional material will support the achievement of the objectives of the Act.¹⁷⁹

Quotas. Finland has a unicameral parliament. There are no applicable legal quotas to candidate nominations for Finnish political parties. However, most Finnish political parties have made balanced gender representation their own goal for candidate lists. There are 91 women in the current 200-seat parliament, which amounts to 45.5% women.¹⁸⁰

Implementation. The Global Gender Gap Report 2022 ranks Finland at number two worldwide for gender equality (second to Iceland, and followed by Norway, New Zealand and Sweden). Women in Finland usually work full-time and have equal access to healthcare and education. It is also described as the only country where women are most likely to be able to participate fully in political and economic life. In 2021, 58% of Ministers in the Finnish government were women (11 out of 19). 39% of municipal councillors, and 39% of municipal council chairpersons, are women. In 2021, women also constituted 48% of Ambassadors and more than 68% of the employees of the Foreign Service.¹⁸¹

However, there is still room for improvement in some areas. Despite the high numbers of women in the parliament and the government, the leaders of the parties have more often been men.

Violence against women in politics. Despite the relatively high numbers of women in politics, 42% women *versus* 28% men in local governments were targeted by hate speech, in particular threats of sexual violence and sexual harassment.¹⁸² Women coming from an ethnic, linguistic, or sexual minority were also more susceptible to hate speech.¹⁸³

45.5%
of MPs in the
Finnish parliament
and 58% of
Ministers in the
Finnish
government were
women (2021)

The “doxing” that targeted Prime Minister Sanna Marin in August 2022 during “partygate,” is a very telling example of how women in politics, including at the highest level, can be the subject of attacks aiming to publish their private information online to publicly expose and shame them.¹⁸⁴

General remarks. Finland’s significant progress on gender equality relative to other European countries can be partly attributed to historical and cultural reasons, including what some believe to be “*a long history of socialist and secular values, stemming back to a time when ancient Finns worshipped female deities and both men and women had to work together to survive.*”¹⁸⁵ The Finnish Women’s Association was formed in 1884. In 1906, Finland became the first country in the world to give full voting and parliamentary rights to women. Therefore, its progress in more recent years can be seen as just the latest part of a long process already commenced well in advance of other nations.

The acts of the Sanna Marin-led Finnish government, elected in 2019 in a coalition of five parties all led by women, have shown that significantly higher representation of women leads to social changes beneficial to women.¹⁸⁶ Their policies included reinstating the statutory right of all parents to receive public care for children under the age of seven, granting mothers and fathers equal parental leave, broadening the scope of what behaviour can constitute sexual harassment, redefining rape in terms of consent rather than the threat of violence, and full observance of the Istanbul Convention.¹⁸⁷ With stronger representation of women championing gender equality and women’s rights, these policies can be more speedily devised and implemented.

G. France

Main legislation in force. Law No. 88-227 relating to the financial transparency of political life, Law No 2000-493 to promote equal access of women and men to electoral mandates and elective functions, and the French Electoral Code.¹⁸⁸

Legal requirements. France has a bicameral parliament. There are two major voting systems in France:

- Single constituency elections (*e.g.*, for the lower house, National Assembly, or *Assemblée Nationale*), where constituencies are geographically-defined areas in which voters elect one representative;



- Party-list proportional elections (e.g., for the upper house, Senate, or le Sénat) for most of its members), where multiple candidates are elected *via* their position on an electoral list. Each political party receives a number of seats proportionate to the percentage of votes in favour of this party.

Depending on whether the election is carried out at the national, regional, or local level, and depending on the voting system, the gender-based requirements and sanctions for non-compliance are different. The requirements mainly take the form of mandatory quotas and alternation in political parties' lists.¹⁸⁹ Sanctions can take the form of non-registration on electoral lists, and/or of financial penalties.¹⁹⁰

Legislated candidate quotas for national elections. Members of the National Assembly are elected in 577 single-member constituencies, according to a two-round majoritarian system. The difference between the number of candidates of each sex that a party or group of parties presents for single-member constituency elections cannot be greater than 2%.¹⁹¹

At the Senate, not all the candidates are elected according to the same voting system.

- In districts electing one or two senators (~27% of the seats), a two-round majoritarian system is applicable. The principal candidate and their alternate must be of the opposite sex.¹⁹²
- In districts electing three or more senators (~73% of the seats), the election is carried out according to a proportional representation system.¹⁹³ On each list presented in the proportional representation districts, the difference between the number of candidates of each gender cannot be greater than 1 and there must be a "strict" alternation of candidates (*i.e.*, one man, one woman).¹⁹⁴

In addition, the senators are indirectly elected by the people. A strict alternation is required in the composition of the lists of candidates for the election of the delegates of the municipal councils and substitutes in communes of 1,000 inhabitants or more. This is to feminise the electoral college of the senators.

Implementation. For party-list proportional elections, non-compliant lists are, in principle, not registered. This has been shown as having greater deterrent effects than financial penalties.¹⁹⁵

For single-constituency elections, the sanction mainly takes the form of financial penalties. In the context of the National Assembly elections, parties that do not present 50% of candidates of each gender must pay a fine, which is deducted from the public funding they receive. The public funding provided to parties based on the number of votes they receive in the first round of elections should be decreased *“by a percentage equivalent to three quarters of the difference between the total number of candidates of each sex, out of the total number of candidates.”*¹⁹⁶ For example, if only 40% of female candidates are presented, the difference between the number of female and male candidates presented is 20 points. Accordingly, the fine will amount to a 15% cut.

Impact on representation. The current National Assembly is composed of 37.3% women only.¹⁹⁷ This has decreased compared to the 2017 elections, where 37.8% of the members of the French parliament were women. The current Senate is composed of 35.1% women only (*versus* 25% in 2011).¹⁹⁸

Despite the improvements in representation since the implementation of the law, the legislated candidate quotas could be more efficient if supported by more robust sanctions. Indeed, when it comes to financial sanctions political parties include the penalty in their budget and deduct it from the expected received public funding, instead of being compliant with this gender-equality initiative. According to the 2019 Budget Bill, the party “Les Républicains” paid a €1.78 million penalty in 2017, while “La France Insoumise” paid €252,517, “L’Alliance écologiste indépendante” €54,626, “Le Parti Animaliste” €37,336, “La France qui ose” €34,297, and “Debout la France” €13,248.¹⁹⁹ In total, the top 17 French political groups lost €2.18 million in 2018 for not complying with the parity rules during the 2017 legislative elections.

Legislated candidate quotas for European elections. There must be a strict alternation of male and female candidates. For 2019, 40 French MEPs were men, and 39 MEPs were women.²⁰⁰

Legislated candidate quotas for subnational elections. The gender-equality legislation has led to mixed results depending on the voting system. With respect to the party-list proportional system, which imposes constraints on the equal composition of candidate lists, the legislation has produced positive outcomes in: (i) the municipal councils of communes with more than 1,000 inhabitants, (ii) regional councils, and (iii) departmental councils.²⁰¹ It is worth noting that for the latter, the parties should present a woman and a man, both elected as a duo if the party wins the constituency, which greatly improves parity at the departmental level.²⁰² The share of women among local elected officials is increasing and has now reached almost 42%.²⁰³ However, it is lower and more disparate among the presidents of executive bodies: only 11.4% of the presidents of community councils are women, 19.8% of the mayors, 20.2% of the presidents of departmental councils, and 31.6% of regional council presidents.²⁰⁴ The 2021 departmental and regional elections saw these proportions increase more significantly than the municipal elections. In contrast, in municipalities with fewer than 1,000 inhabitants (where there is no legally binding tool but only non-binding guidance), progress on parity is more limited: there was just 37.6% women in municipal councils after the 2020 elections, compared to 46.6% in municipalities with 1,000 inhabitants or more.²⁰⁵ This shows the need for review and improvement of the current legally binding instruments and effective sanctions.

Media representation. On 9 September 2020, the French MP Céline Calvez presented a report on the position of women in the media in times of crisis. The document gathered 26 recommendations to promote women's voices and expertise and to reduce the imbalance with men's exposure. One of the main recommendations of the report is that, in addition to quantifiable criteria such as quotas and/or the amount of time women are given to speak, it is also critical to look at the topics chosen for intervention.²⁰⁶ Out of the 26 recommendations formulated in order to reinforce the visibility of women in the media in the long term, 24 were retained by the ministers and constitute their action plan for the reinforcement of women's place in the media.²⁰⁷

Violence against women in politics. A 2021 survey from Elues Locales revealed that one in three female politicians thought about leaving politics after being the target of sexist behaviours. 74% of female politicians surveyed had experienced violence including harassment, verbal, and physical violence, while only half of these incidents were reported to political leaders and

The top 17 French political groups lost €2.18 million in 2018 for not complying with the parity rules during the 2017 legislative elections

measures were taken in only 10% of cases, showing that sexism is still omnipresent in French politics. 82% of the elected women surveyed shared that they did not feel supported in the fight against violence against women and girls, including within their own party.²⁰⁸

Women leadership and legislation in favour of women's rights. In 1997, only 10.8% of the seats at the National Assembly were held by women.²⁰⁹ This percentage reached 37.3% in 2022.²¹⁰ The 2017-2022 parliamentary term has been the closest to gender balance, with 38.7% female members of the National Assembly.²¹¹ During this legislature, the French parliament adopted legislation on gender equality and against gender-based violence. In 2018, the parliament put in place an index for professional gender equality.²¹² All the companies having more than 50 employees must calculate the index, which is based on several factors including the gender pay gap, bonus gap, promotion gap, etc.²¹³ If the index is below 75, the company must put in place measures to improve the situation within three years.²¹⁴

On gender-based violence, the parliament has passed legislation aiming to: (i) strengthen the protection of victims of domestic violence, (ii) establish mechanisms to protect the victims from their aggressors (*e.g.*, to provide a "high-danger" phonenumber which enables someone to receive urgent help from the police, or to prevent perpetrators of gender-based violence from living close to their victims), (iii) remove survivor pensions from perpetrators of domestic violence, and (iv) provide financial support to victims of domestic violence (*e.g.*, financial support for them to find an apartment).²¹⁵ In addition, the parliament passed legislation to improve the procedural rights of victims of gender-based violence (*e.g.*, victims can now file a report to the police *via* an online form).²¹⁶ The rights of women immigrants were also improved, as the parliament passed legislation granting a right to asylum to immigrant victims of domestic violence.²¹⁷ When the perpetrator of a gender-based crime is condemned, the victim is automatically granted a right of residence.²¹⁸

Finally, mechanisms are now in place to better implement sanctions on perpetrators of gender-based violence. These measures include: (i) the extension of the limitation period to report a crime, the establishment of more severe prison sentences, and (ii) the extension of the scope of the notion of harassment (especially regarding online harassment).²¹⁹

H. Germany

No legislated candidate quotas. Germany has a bicameral parliament. There are no legally binding quotas for candidate nominations for German political parties.²²⁰ In addition, there are no legally binding quotas either for European elections or at the sub-national level.

Voluntary party quotas. Voluntary party quota regulations for women were adopted in the 1980s and 1990s first by the Greens, followed later by other political parties.²²¹ Since 1986, Alliance 90/The Greens have had a 50% quota for women on party lists.²²² The SPD has established a 40% quota.²²³ Under the Left Party's Statutes, on nomination lists, the first two and then every other place are reserved for women.²²⁴

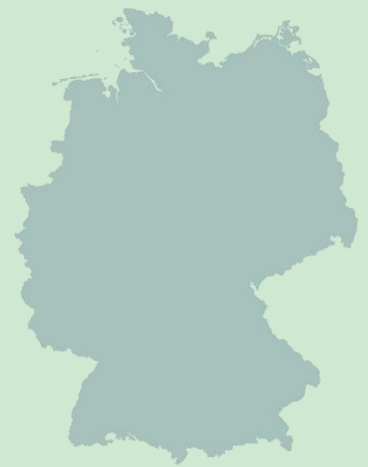
Implementation. The existence of voluntary party quotas has not translated into a gender-balanced parliament. There are only 257 women in the current 736-seat lower house (34.9%), and 24 women in the current 71-seat upper house (33.8%).²²⁵ In the current European Parliament, only 37 of the 96 German MEPs are women (38.5%).²²⁶ At the municipal level, the proportion of women in mayoral offices in Germany is around 10%.²²⁷ This is due to the fact that the parties do not present enough women, and the incumbents (who are mainly men) are usually re-elected.

This might be due to the lack of a sanctioning system for non-compliance and to Germany's mixed electoral system, where every citizen is given two votes.²²⁸ The first vote directly goes to the candidate of the citizen's district, and the second vote determines the percentage of seats that a party has in the parliament.²²⁹ Experience has shown that women tend to be better represented *via* the second vote, in major part thanks to the voluntary party quotas.²³⁰

The lack of legally-binding instruments and effective sanctions undermines the representation of women at the European, national, and subnational levels. A few years ago, the withdrawal of party funds was suggested as a sanction for non-compliance by the Social Democratic Women's Organization (ASF), but to the best of our knowledge this suggestion was not adopted.²³¹

I. Greece

Legal provisions. The Greek Constitution provides for "affirmative action" to restore historic imbalances and achieve



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gender equality for women. Article 116 (para. 2) mentions that “[p]ositive action to promote equality between men and women does not constitute gender discrimination. The State shall ensure that inequalities which exist in practice, particularly to the detriment of women, are eliminated.”²³²

Legislated candidate quotas for national elections. Greece has a unicameral parliament. Article 34 of Decree Law No 26/2012 prescribes that for the declaration of the electoral combinations of any (coalition of) parties, the number of parliamentary candidates of each gender shall be at least equal to one third of the total number of their candidates throughout the territory.²³³ At the present moment Greece has 63 women in a 300-seat Parliament, which amounts to 21% women²³⁴.

Legislated candidate quotas for European elections. Article 3, para. 3 of Law No 4255/2014 prescribes that for the declaration of the electoral combinations of parties or coalition of parties, the number of candidates of each sex shall amount to at least one third of the total number of their candidates.²³⁵

Legislated Candidate quotas for regional and municipal elections. Article 18, para. 3 of Law No 3852/2010 prescribes that the number of candidates for regional or municipal councils from each gender must amount to at least one third of the total number of members of the regional or municipal council.²³⁶

Implementation. In principle, if the gender quota requirement is not met, the party list should not be accepted by the Supreme Court. However, to date and to the best of our knowledge, there has not been any case involving a political party that was sanctioned. The reason for that is that while political parties might “legalistically” conform to the electoral law requirements, gender stereotypes and internal party culture (as further exacerbated by the media) does not allow for the election of women in power.²³⁷ For example, media outlets invite men more often than women in political panels and discussions, and leadership positions within political parties (e.g., in internal committees) are mostly covered by men.

Limitations. Critics have noted that the legislation refers to the entirety of Greek territory when requiring parties to compile their electoral lists for national and European elections. Given the high concentration of the Greek population in Athens as the capital city, the application of the legislation effectively results in the inclusion of candidates mainly from Athens which promotes representation in urban areas and excludes under-represented women communities in rural areas. Individual parties are free to



exceed the minimum representation threshold and increase the participation of women in their electoral lists. However, not many parties have elected to do so. According to IDEA, only the Pan-Hellenic Socialist Movement (PASOK) has established a 40% minimum quota for women on its party lists.

J. Iceland

Iceland has topped the World Economic Forum's Global Gender Gap Index in previous years due to women's political participation, high level of education, and equal access to health care among other factors. According to Statista and IPU data, the share of women in the national parliament of Iceland, Althingi, was 47.6% in 2021, which was as high as the record set in 2016.²³⁸ Despite having a high share of women in its parliament, it has never passed 50% in Iceland.

No legislated candidate quotas. Iceland has a unicameral parliament and follows a voluntary quota system with respect to political parties.²³⁹ For the Social Democratic Alliance, in all elected bodies within the party, each sex should be represented with no less than 40%. If, among the candidates, one sex is represented by less than 40%, these candidates will be nominated without a vote.²⁴⁰ Similarly, for the Left Green Movement, when candidates are chosen for positions at all levels in the party structure, as well as for electoral lists, gender equality shall be observed, also in absolute numbers (50%).²⁴¹ For the Progressive Party, when choosing candidates for all levels of the internal party structures and for electoral lists, each sex must be represented with at least 40%, unless for obvious and manifest impediments.²⁴² Lastly, the Independent Party prescribes true gender equality as one of its core values, increasing women representation to 50%. When elected to boards and appointed to confidential positions of party institutions, whether in committees, councils or boards, "*equal proportions of the sexes shall always be observed*".

The role of grassroots organisations should be underlined at this point.²⁴³ After the parliamentary election in 1979, women represented only 5% of the Icelandic parliament. The Women's Alliance, *Kvennalistinn*, was founded in 1983. Its main objectives were women's liberation and the increased representation of women in politics. After the first election in which the party participated (in three voting districts), the number of women MPs rose to 15%. In 1999, the 16-year history of the original movement ended when the members of the Women's Alliance became members of different political parties. Women occupied



Despite having a high share of women in its parliament, it has never passed 50% in Iceland

one quarter of all parliamentary seats in 1995, and in 1999 they were 35% of all MPs. The first female cabinet minister was appointed in 1970 and the first female prime minister in 2009.

Government initiatives. As recently as 2020, Iceland passed the Gender Equality Act, which aims to prevent discrimination on the basis of gender and to maintain gender equality and equal opportunities for the genders in all spheres of society.²⁴⁴ The term “gender” in this Act means women, men and persons whose gender is registered as neutral in Iceland.

Iceland’s Directorate of Equality is a special institution under the administration of the Prime Minister that handles administration of all matters covered by laws on equality, *i.e.*, Gender Equality Act, the Act on Equal Treatment Irrespective of Race or Ethnic Origin, and the Act on Equal Treatment on the Labour Market.²⁴⁵

Iceland also has a strong accountability system through a recurring reporting mechanism. The Prime Minister shall, every four years, submit to Althingi a motion for a parliamentary resolution on a four-year gender equality action plan after having received proposals made by the ministries and after consultation with the Directorate of Equality. The Parliamentary Resolution on a Gender Equality Action Programme for the period of 2020–2023 is the seventh of its kind. The progress of the action plan can be viewed at a dashboard set up by the Prime Minister’s Office.²⁴⁶ Each action on the action plan is directly linked with the United Nations Sustainable Development Goals.

Violence against women in politics. According to a study done by the Icelandic parliament in 2020, 16% of people working in the parliament (both MPs and staff) had been sexually harassed during their work for the parliament; and 18.4% had suffered gender-based harassment.²⁴⁷ There was a considerable difference between the experiences of women and men: 24.4% women had been sexually harassed at work or related to their work in the parliament in comparison to 5.9% men, while 87.5% of the perpetrators were men and 12.5% were women; 25% women in parliament (MPs and staff) reported having suffered gender-based harassment at work or related to their work in parliament and 10.4% men while 74.1% of the perpetrators were men and 22.2% were women.

Women leadership and legislation in favour of women’s rights. The Icelandic parliament had its first female representative in 1922, and now has 30 female MPs (*i.e.*, 47.6% of the MPs).²⁴⁸ In this context, over the past few years, the Icelandic parliament has increasingly adopted legislation against

gender-based discrimination. For instance, in 2017, the Icelandic parliament passed a law requiring all companies and employers with 25 or more employees to prove equal pay between women and men.²⁴⁹ In 2020, the Icelandic government adopted the Act on Equal Status and the Act on Equal Rights Irrespective of Gender, which aim to prevent discrimination based on gender and to maintain gender equality and equal opportunities for “*all genders*” in all spheres of society.²⁵⁰ Additionally, the government, in particular Iceland's Prime Minister, has the obligation of submitting a motion for a parliamentary resolution on a four-year gender equality action plan.²⁵¹

K. Ireland

Main legislation in force. The Electoral Amendment (Political Funding) Act 2012 (the 2012 Act).

Legislated candidate quota for national elections. Ireland has a bicameral parliament. The 2012 Act aimed to address the current gender imbalance in Irish politics by linking State funding of political parties to legislated candidate quotas for general elections. At least 30% of candidates put forward by a political party must be male and at least 30% must be female. From 2023 onwards, the target increases to 40% male and 40% female. Parties which do not comply face a cut of 50% in the State funding provided to them.²⁵² The quotas apply only to general elections, impacting the lower house (Dáil Éireann) of the Irish parliament (Oireachtas), but not the upper house (Seanad) or local elections.



Women's representation in Irish politics. As of February 2023, Ireland ranked 101st in the world for women's representation in national parliaments, falling behind countries such as China and Iraq.²⁵³ When the lower house (the Dáil) of the Oireachtas celebrated its centenary in 2019, just 114 women had been elected to it since 1918 compared with 1,190 men. Following the most recent national election (2020), this was 130 versus 1,211 (90% versus 10%). In the twelve general elections prior to the 2012 Act (1973-2011), the proportion of women's representation in the Dáil never rose above 15%.

With the new gender equality legislation, the number of women candidates was almost at 30% in 2016. All parties met the quota and the number of women candidates increased by 90% from the 2011 general election, with a 40% increase in the number of women actually elected. The percentage of women candidates only rose to 31.2% in 2020 (162 women contested across 159 seats, out of a total of 519 candidates), with one commentator noting that while the main parties "*continue to comply with the letter of the legislation [...] it is open to question whether they are complying with its spirit*".²⁵⁴ Women count for just 23.1% of the lower house (Dáil) currently, and 39% in the upper house (Seanad). For a country responsible for the first female minister in Western Europe (Constance Markievicz in 1919, a strong Irish feminist and nationalist), progress has been incredibly slow.

The Women for Election project supports women at local and national elections, through training and mentoring programmes and funding. It aims to ensure a 50/50 split by 2030.²⁵⁵ It also focuses on ensuring women with diverse backgrounds are represented. In 2016, Katherine Zappone was the first female cabinet Minister who was a migrant and who also publicly identified as LBGTL. Women for Election note that institutional racism continues to be a major barrier to Traveller women both entering and succeeding in Irish politics.²⁵⁶ In 2020, Senator Eileen Flynn was the first Traveller Woman nominated to the Seanad. Women for Election is working with the National Traveller Women's Forum to tackle racism while also designing mentoring and training programmes to help empower Traveller women to run for local and national election. They are also working with the Immigrant Council of Ireland to jointly deliver anti-racist and intercultural awareness training to women aspiring to run in elections and are actively seeking collaborations with other organisations interested in working to increase access to political life "*for women in all their diversity.*"

In the twelve general elections in Ireland prior to the 2012 Act (1973-2011) and the introduction of quotas, the proportion of women's representation in the Dáil never rose above

15%

Sub-national level. There are no quotas at the sub-national level. The main political parties put in place informal gender quotas for the last two local elections in 2014 and 2019, yet they have failed to meet the voluntary target of 30%. The representation of women at local authority level across the country has risen from 12% in 1991 to just 24% in 2019. Women’s membership of the 31 local authorities is now at 24% and only eight women were elected as mayors in June 2022 (25.8%).²⁵⁷ In 2019, Women for Election chief executive Ciairín de Buis said that the local elections that took place that year were “a missed opportunity” to improve gender balance in Irish politics, concluding that it was time to call for local election gender quotas.²⁵⁸ At a regional level in Ireland, there is often an expectation that local seats are “inherited” and stay within a political dynasty, making it harder for women to break in against familiar and established incumbents.²⁵⁹ The organisation launched a €35,000 crowdfunding scheme to help 300 women enter into politics. The government-funded organisation, See Her Elected, supports women across rural Ireland to become local councilors and provides free online resources and a guide to running in the 2024 elections (available in English and Polish).²⁶⁰

A recent report noted that data from the last six local elections suggest that there is no electoral bias against women, but not enough women appear on the ballot papers.²⁶¹ It also notes that women are more likely to win a national seat than men if they have served in local government. To drive gender equality in national politics, gender equality at a local level thus needs to be prioritised. The university research, carried out on behalf of Cork City Council’s Women’s Caucus, recommended that gender quota legislation (40%) be introduced before the next local government elections to help increase the number of female councilors around the country.²⁶² This echoes the recommendations made by the Alliance for Local Quotas convened by the National Women’s Council,²⁶³ as well as the calls to extend legislated gender quotas to local elections made in recent reports including those by the Citizens’ Assembly on Gender Equality,²⁶⁴ the Oireachtas Forum on a Family Friendly and Inclusive Parliament,²⁶⁵ and the Irish Human Rights and Equality Commission.²⁶⁶ Other recommendations in the research report focused on child care, maternity and paternity leave, community-based educational programmes, and on mandating that of the three delegates from each local authority that are nominated to the Association of Irish Local Government (AILG), there should be at least one man and one woman. This would

96%
of current and former women politicians, at national and local level, have received social media or email messages that used threatening or hateful language

increase the number of women from 16 out of 93 delegates to 31.

Government initiatives. To advance gender equality in politics, in June 2021, members of the Citizens' Assembly recommended that the government introduce measures such as maternity leave for all elected representatives, extend party quotas to local, Seanad, and European elections, increase sanctions for non-compliant parties, make funding to public bodies contingent on reaching 40% gender balance by 2025, and create a statutory body for gender equality under a Cabinet Minister charged with cross government co-ordination²⁶⁷. These suggestions have not yet been enacted by the current government.

Violence against women in politics. In Ireland, women running for election are more likely to be the victims of personalised, misogynistic violence, with women facing up to eight times the level of online violence compared to their male counterparts.²⁶⁸ A qualitative study undertaken by NUI Galway's Journalism and Communications unit in 2020 found that 96% of current and former women politicians, at national and local level, have received social media or email messages that used threatening or hateful language, while three quarters report being threatened with physical violence via online or social media.²⁶⁹

Organisations like the National Women's Council of Ireland (NWC) have developed a Social Media Toolkit detailing actions to be taken by political parties to tackle Violence Against Women in Politics.²⁷⁰

L. Italy

Main legislation in force. According to Article 51 of the Italian Constitution, all citizens of either sex are eligible for public offices and for elective positions on equal terms.²⁷¹ This provision constitutes an explicit legal basis for Italy to "*adopt specific measures to promote equal opportunities between women and men.*" Article 117 also provides that "*[r]egional laws shall remove any hindrances to the full equality of men and women in social, cultural and economic life and promote equal access to elected offices for men and women.*" Both support the general principle in Article 3 which states: "*[a]ll citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions.*" The Italian parliament has also enacted legislation on quotas.²⁷²



Legislated candidate quotas. Italy has a bicameral parliament. There are legislated candidate quotas for the lower house (Camera dei deputati), the upper house (Senato della Repubblica), and at the sub-national level.²⁷³ These are in addition to any voluntary quotas that may be adopted by the political parties. There are also quotas for the European Parliament elections.²⁷⁴ Italy currently has 228 women in the Chamber of Deputies, which amounts to 32%. In the upper house, women have 71 out of 206 seats (34.5%).²⁷⁵

Candidates shall be listed in the rolls of multi-member districts, for both the lower and the upper house, according to an alternating gender order. In addition, for lower house elections, for the total number of candidacies submitted by each list or coalition list in single-member districts at a national level, none of the two genders should be represented by a percentage exceeding 60%. Out of the total lists in multi-member districts presented by each list at a national level, none of the two genders should be represented as the leading candidate by a percentage exceeding 60%. Failure to comply with this alternating order can lead to ineligibility and/or financial penalties, and the National Central Office ensures compliance with such provisions.²⁷⁶

Impact. Italy is considered to have made limited progress. In 2022, according to the Global Gender Gap Index, which monitors progress towards gender equality in politics, economy and health of the 146 countries that the World Economic Forum analyses, Italy was ranked 63rd out of 146.²⁷⁷ The general trend in representation of women in the Italian parliament over the past 30 years has been one of growth. In 1991, women representatives constituted approximately 6% of the representatives in the Italian parliament. After steady growth, with some volatile jumps and falls at particular elections, by 2022, both houses are above 30% in terms of women representatives. Based on Statista data, this was an increase from 27.8% in 2016, before the 2017 law was passed and implemented.²⁷⁸

General remarks. Even if gender quotas seem to have increased women's inclusion in local politics, the way they have been designed and implemented does not seem to have facilitated substantive policy gains for women.²⁷⁹ For example, although there were more women in local parliaments by the start of the 2020s, bills related to women's interests were not more likely to be passed. This may be attributed to powerful leadership positions still being dominated by men,²⁸⁰ a slow legislative

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process,²⁸¹ and a national masculinist culture which views politics as men's domain²⁸² not having yet changed.

M. Lithuania

No mandatory quotas. Lithuania has a unicameral parliament. There are no legally binding quotas for candidate nominations for Lithuanian political parties. There are 40 women in the current 141-seat parliament, which amounts to 28.4% women.²⁸³

Voluntary party quotas. The Social Democratic Party has voluntary party quota provisions in place. Under the party's statutes, the number of representatives of one sex in the candidate lists cannot exceed 60%.²⁸⁴ The statutes include an alternation obligation, but only every fifth place. In practice, the party's electoral list in Lithuania's recent 2020 elections only included 33.6% women.²⁸⁵

Implementation. Some of the challenges related to the implementation of mandatory gender quota policies lie in the lack of monitoring, social norms, and political culture.²⁸⁶ Improvements are reached due to well-targeted long-term concrete activities. For instance, Lithuania's president between 2009 and 2019 was a woman (Dalia Grybauskaitė).²⁸⁷ In addition, two of the three highest State positions are currently occupied by women (i.e., Prime-Minister Ingrida Šimonytė²⁸⁸ and Viktorija Cmilyle-Nielsen, President of the Assembly).²⁸⁹ Further, six of the 14 current Ministers are women,²⁹⁰ while the previous governments had mainly two-to-three women-ministers and there was a period with no women ministers.²⁹¹

N. Poland

Main legislation in force. Election Code.²⁹²

Legislated candidate quotas. Poland has a bicameral parliament and has mandatory quotas for the lower house (Sejm) and at the sub-national level. Amendments were made to the Election Code in January 2011 and introduced legislated candidate quotas on electoral lists to the parliament: "[t]he number of candidates who are women cannot be less than 35% of all candidates on the list. The number of candidates who are men cannot be less than 35% of all candidates on the list".²⁹³ These changes apply to any elections, including parliamentary elections (except the upper house, the Senat (Senate)), municipal elections, and the European Parliament elections, called after a six-month period from the date of entry into force of the new



law. Poland currently has 130 women in a 460-seat lower house, which amounts to 28.3% women.²⁹⁴ In the senate, this is 24 women out of 100 seats (24.0%). Thus, women remain significantly under-represented in Poland, in part because this country is “culturally conservative” on gender equality issues and because the political parties’ leaders do not yet consider having women in top positions on electoral lists.²⁹⁵

For the regional and municipal elections, at least 35% of the candidates must be women.²⁹⁶ In addition, the lists that include three candidates must include at least a woman.²⁹⁷

Voluntary quotas within political parties. To the best of our knowledge based on public sources, the Green Party is the only party with voluntary quotas in its statutes. All of its elected bodies are made up of an even number of male members and female members. Men may not constitute more than 50% of the composition of the governing bodies, unless the statute provides otherwise. Lists of candidates and candidates of the Party in elections to the parliament and in local elections, held according to the proportional system, are filled alternately with persons of a different sex until all representatives of one sex are exhausted. Men receive no more than 50% of the first places on electoral lists.²⁹⁸

Implementation. If a list falls short of meeting the quota requirement, there are established sanctions in the law: *“the commission shall request the person notifying the list to remove [the defect] within 3 days. In the case of defects not removed within the specified time, the commission decides to refuse to register the list in its entirety.”*²⁹⁹ However, to the best of our knowledge, there is no publicly available report of any removal of non-compliant lists in practice. While the number of female candidates significantly increased since the quotas entered into force, only a slight increase in the number of women deputies is observed.³⁰⁰ This might be explained by the absence of mandatory alternation in candidate lists and the lack of political will of most political parties who have a significant role in list composition and in women’s parliamentary representation. In Poland, there were significant discrepancies among political parties.

O. Portugal

Main legislation in force. Parity Law (Law No 3/2006, 21 August, amended by Law No 1/2019) and Quotas for disabled people Law in the Public Administration (Decree Law No.

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29/2001, 3 February).³⁰¹ Legislative measures aimed at promoting equality between women and men in political decision-making were adopted in Portugal for the first time in 2006.

Legislated candidate “quotas” for national, European, and local elections. Portugal has a unicameral parliament. The adoption in 2006 of the designated Parity Law (Law No 3/2006, 21 August) stems from compliance with Article 109 of the Constitution of the Portuguese Republic in its 1997 revision, which assigns to the law the responsibility to promote equality between women and men in the exercise of civil and political rights and non-discrimination on the grounds of sex in access to political positions. It also follows from the recognition of the need to speed up the process leading to greater participation of women in political decision-making, an area where, unlike many others, the reduction of inequalities between women and men had been occurring at a persistently slow pace.

In 2019, amendments to the 2006 Law were adopted after an evaluation of its impact, through the Organic Law No. 1/2019 of 29 March. This law introduced major changes, as it established a parity threshold by requiring a minimum representation of 40% of each sex in the candidate lists (instead of 33%, as before) and kept the requirement that there should not be more than two candidates of the same sex followed in the list of candidates.³⁰²

In addition to the lists of candidates for the Assembly of the Republic, the local authorities, and the European Parliament, the law also covers the list of candidates of parish councils and the lists of candidates at the tables of the deliberative bodies of local authorities (municipal assemblies and parish assemblies).³⁰³

Voluntary quotas within political parties. There are voluntary party quotas in place (*i.e.*, some of the parties with parliamentary representation have decided on their own initiative to implement quotas within their internal elections). For example, the Socialist Party has established that its candidacy lists must ensure: (i) a representation of not less than 40% of candidates of either sex, and each sequence of three elements contains at least one of a different sex, and (ii) that the first and second places are obligatorily occupied by candidates of a different sex.³⁰⁴

General remarks. The representation of women in the Portuguese parliament evolved very slowly in the first decades of democracy: only in the elections of 1995 did the proportion of women in parliament exceed one-tenth of the total of



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members, with a representation of 12.17%. Only ten years later, the representation of women went beyond one-fifth of the total number of MPs: women were elected to 21.3% of the seats in parliament. In 2006, with the adoption of the “Parity” Law, a bigger increase in the representation of women in parliament took place: in the first elections held after the adoption of the Law, in 2009, 27.4% women were elected, but it was only in the elections of 2015 that the parliament approached one third of women among elected members, overcoming it throughout the legislature. Currently, Portugal has 84 women in a 230-seat parliament, which amounts to 36.5% women.³⁰⁵

Implementation. Organic Law No. 1/2019 established new and more severe sanctions determining the rejection of the entire list of candidates in case there is noncompliance with the law and whenever that list is not corrected within the period provided for in the electoral law.³⁰⁶ According to the previous legislation, Law n°3/2006, of 21 August, and until 2018, the Committee for National Elections (Comite Nacional de Eleições - CNE) had the obligation to publish on its website the names of the parties that were non-compliant with the Parity Law and the amount of public subsidies for election campaigns was reduced for non-compliant parties.³⁰⁷ Nevertheless, the 2019 amendment to the Parity Law revoked that obligation. According to the Portuguese Platform for Women’s Rights the current Parity Law is insufficient to reach the minimum target (*i.e.*, 40%), because the sanctions do not have an effective deterrent effect.³⁰⁸ This implementation gap might also be due to the fact that despite the existence of an alternation requirement, *i.e.*, political parties cannot have more than two consecutive candidates of the same sex on their lists, there is no obligation to have women heading the candidate lists. This raises significant concerns in ensuring real parity because some of the political districts only include one elected candidate, *i.e.*, the first one of the list.

P. Romania

No legislated candidate quotas. Romania has a bicameral parliament. There are no legally binding quotas for national elections, the European elections, or at the sub-national level.

Voluntary party quotas. Only the Social Democratic Party has party quota provisions in place (30% and voluntary).³⁰⁹ In the last elections, the party elected 24.2% women, which is the highest percentage of women among all political parties.³¹⁰



Women's representation in politics. There are 18.5% women in the current Romanian parliament (*i.e.*, 18.5% women in the Chamber of Deputies and 18.4% in the Senate), occupying the 4th position of lowest representation of women in lower houses of parliament in the EU, as per the Study on Political Representation of Women in Romania by Ionela Băluță and Claudiu Tufiş.³¹¹ Since 2019 based on this Study, Romania's score in the domain of power has decreased by 2.1 points.³¹² This is the result of growing levels of gender inequality in the sub-domain of political decision-making. Romania's score in this sub-domain dropped by 4.9 points, while the EU's score has increased.³¹³ These results can be due to a legislative framework that lacks provisions on gender-quotas and a system of sanctions for non-compliance, which in turn can be the result of the lack of sensitivity, education, and awareness-raising tools in Romanian society.³¹⁴ In addition, at the political level there is still hostility towards the adoption of more gender/feminist approaches to policy-making, leading to the rejection of proposed gender-quota legislation.³¹⁵

Implementation. Women's representation in the Romanian parliament in the last 30 years has shown a disheartening decrease. While about 90% of Romanians believe that gender equality is an important principle in democracy,³¹⁶ women's representation decreased in the most recent parliament elections (from 19.1% in 2016 to 18.5% in 2020), and in the most recent elections. At the European level, there was a decrease from 34.4% for the 2014 European Parliament elections, to 21.2% in 2019.³¹⁷ According to the Gender Equality Index research carried out in Romania,³¹⁸ all of the country's scores (*e.g.*, work, health, time, *etc.*) showed lower values than the EU average. Overall Romania scored 53.7 points out of 100 while the EU average is 68.6.³¹⁹

Violence against women in politics. While gender equality issues are present in the public debate in Romania, awareness among politicians about sexual harassment and gender-based verbal violence remains extremely low.³²⁰ Violence against women in politics is widespread and is intended to control or restrict women's participation in politics.³²¹ It takes a variety of forms, including psychological violence (*e.g.*, sexist jokes and comments), economic violence (*e.g.*, systematic denial of resources to women for election activities), sexual violence (with fear of retaliation preventing women from testifying), physical violence (*e.g.*, abduction, slapping, mobile phone theft, and hair pulling), and online violence (*e.g.*, inciting group hatred, attacks

on privacy, harassment, stalking, insults, unscrupulous access to harmful content).³²²

Q. Spain

Main legislation in force. Law on the effective equality of men and women,³²³ Electoral General Regime,³²⁴ 1982 Social Integration for Disabled People Act,³²⁵ 2007 Equal Opportunities Act,³²⁶ and Royal Decree on Non-Discrimination in State services.³²⁷

Legal provisions. Spain has a bicameral parliament. There is a system of both mandatory and voluntary quotas. There are mandatory quotas at the European, national, sub-national level, and voluntary quotas within some of the parties that have parliamentary representation.

Legislated candidate quotas for regional and municipal elections. At the local level, the Organic Law no. 5/1985 provides that municipal elections and elections to Insular Councils of the Canary Islands or Legislative Assemblies of Self-Governing Communities should have a balanced proportion of women and men, so that candidates of either sex represent at least 40% of the total membership.³²⁸ Quotas are applied every five positions. If the number of eligible positions is less than five, the list must be as close as possible to the 40–60% requirement.³²⁹

Legislated candidate quotas for national elections. At the national level, the Organic Law no. 3/2007 requires political parties to incorporate in all electoral lists between 40% and 60% of candidates of each gender.³³⁰ This proportion has to appear within each list, every five positions. This requirement is designed to prevent abuse by the political parties, *i.e.*, the obligations prevent them from indulging in behaviours like relegating the 40% of female candidates to the bottom of the list, thereby placing them in unwinnable positions.

Legislated Candidate quotas for European elections. The list of candidates for the European Parliament must also have a balanced presence of women and men, with each of the genders accounting for at least 40%.³³¹ In the 2014 European elections, Spain had 41% women. Currently the country has 150 women in a 349-seat lower house (Congress of Deputies), which amounts to 43% women. It has 104 women in a 265-seat senate (39.3%).



Good practice features. The electoral authorities are given a short period of time to adjust the lists that do not meet the quota requirement. In case of a failure to comply, the lists will not be approved by the Electoral Commission.³³² The sanction is the same for failure to comply at the local level. Nevertheless, to date, there have not been any publicly available examples of the application of such sanctions. The adoption of the law did not require a change to be made to the Spanish Constitution, which would have been a complicated process. The quota was in line with public opinion. Before its adoption, 58% of adult men and 75% of adult women in Spain were in favour of mandatory quotas for all political parties.³³³ This quota contributed to increasing women's representation in the conservative People's Party, even though the party had vehemently opposed quotas. In 2004 (before the adoption of the quota), women accounted for 28% of the People's Party members at the Spanish parliament. This percentage of members of the parliament from the People's Party increased after the adoption of the quota to 30% in 2008 and 36% in 2011. Moreover, the quota has prevented any subsequent decline in women's access to political decision-making.

General remarks. The law has led to a steady increase in the number of elected women, not only in the case of the Socialist Party (PSOE) but also of the conservative People's Party, which was previously opposed to quotas. The sanction taking the form of the non-complying lists not being approved by the Electoral Commission seems to have a significant deterrent effect.

Women leadership and legislation in favour of women's rights. The Spanish parliament has registered a significant increase in the number of women in parliament since 1979. There were only 18 female MPs in a 350-seat parliament in 1979 (*i.e.*, 5.1%). Since the 2019 elections, there are 150 women in the current parliament (elected in 2019), amounting to 43% female members. In 2019, the Spanish parliament adopted legislation to improve gender equality and fight against gender-based violence. In 2019, the parliament adopted a law including in the social security's system a right for the children who lost their mother because of domestic violence to receive a pension.³³⁴ During the same year, the parliament adopted a law creating entities called the "Equality Units" which, *inter alia*, collect information about the implementation of protocols on sexual harassment in public administrations.³³⁵ In 2020, the parliament adopted legislation creating a programme that aims to provide housing solutions for people who suffered from any form of domestic violence.³³⁶ In addition, in order to fight against

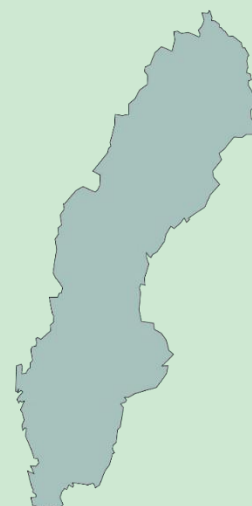
The number of female MPs in the Spanish parliament increased from 18 in 1979 (5.1%), to 150 in 2019, or 43%

gender-based violence during the COVID-19 pandemic, the parliament adopted a law providing that local authorities must organise the availability of residential centers to host women who are victims of any type of gender-based violence.³³⁷ Last but not least, the parliament has recently amended the Spanish Criminal Code with a law called "*Ley del Solo Sí es Sí*" (in English: "*Only Yes means Yes*").³³⁸ This law establishes that only an express "yes" is taken into consideration to show a person's consent to engage in a sexual relationship. It also eliminates the distinction between abuse and sexual aggression, which means that every action against the sexual will of a person without their consent will be considered sexual aggression.

R. Sweden

Sweden is considered a frontrunner for women's representation in politics. According to statistics from 2022,³³⁹ women represent 46.4% of the parliament (162 out of 349 seats) and 50% of the government's cabinet, with gender equality often the norm at other layers of government. Sweden's progressive legislation on parental leave, childcare, and schooling can be credited to the high numbers of women in government who helped push for these policies. Even the General Synod of the Church of Sweden can claim near parity, with 123 women and 128 men on its 2018-21 board.

No legislated candidate quotas. Sweden has a unicameral parliament. In Sweden, parties voluntarily adopt gender quotas, as no governmental mandate for quotas exists.³⁴⁰ The parties apply these voluntary quotas at all levels of representation, including national, regional, and EU elections. Swedish parties virtually refused to talk about quotas until 1991, when the number of females in parliament fell sharply from 38% to 33%. Then, the Social Democratic Party instituted a "zipper" system in 1993, meaning they alternated between men and women on their party list. Also in 1993, the Left Party mandated a 50% minimum of women on party lists. In 1997, the Green Party followed suit, also setting a 50% minimum of women on their list. Finally, in 2009, the Moderate Party set a rule that the top four seats for the election to the European Parliament must go



to two men and two women. Currently, Sweden has 162 women in a 349-seat parliament, which amounts to 46.4% women.

Government initiatives. The Swedish government has also commissioned the Swedish Gender Equality Agency to support government agencies with the work of integrating a gender perspective in all of their operations.³⁴¹ The initiative is called the Gender Mainstreaming in Government Agencies (GMGA) programme, and its goal is to integrate gender equality in all aspects of each agency's work.

Sexism and sexual harassment. Intra-party quotas and a strong feminist culture have not prevented the fact that in 2017, 1,300 women in Sweden signed on to a document alleging a culture of harassment *"in the corridors of power."*³⁴² The testimonies describe assault and harassment, in addition to sexist comments made by men in parliament. In the 2022 Global Gender Gap report of the World Economic Forum, Sweden ranks 10th in the sub-index of Political Empowerment, after Iceland, Finland, Norway, and Germany (as far as EU countries are concerned).³⁴³

Women leadership and legislation in favour of women's rights. The perspective brought by women legislators in Sweden can be seen in a list of initiatives, from improved childcare, better protection for pregnant women, more opportunities for working mothers, and combating domestic violence against women.³⁴⁴ With regard to parental leave in Sweden, parents get 480 days of leave to share, 390 of which are paid out at 80%, while these days can be used until the child turns eight. Sweden's parental leave policy also applies to adopting and single parents.³⁴⁵ In the education sector, Sweden's government-funded schools are also on board in the fight to counteract traditional gender roles – the state curriculum even urges preschool teachers and principals to embrace their role as social engineers.³⁴⁶

As early as 1998, Sweden passed the Act on Violence Against Women, which relates to crimes against women by current or former spouses or live-in partners.³⁴⁷ Under the law, men can be sentenced for each instance of physical violence or sexual and psychological violence against a woman. More recently, in 2018 the Swedish parliament passed a law³⁴⁸ requiring explicit consent from participants before they engage in a sexual act.

In 2014, Sweden became the first government to use the word "feminist" to describe a policy approach. This policy places women and girls at the center of almost every diplomatic

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decision the government makes, with the ultimate aim of advancing gender equality around the world. As of 2018, Sweden was the only country in the world that allocated almost 90% of its aid money to organisations focused on gender equality.³⁴⁹ However, recent statements by Tobias Billstrom (new foreign affairs minister) go in the opposite direction, *i.e.*, a revocation of this feminist policy.³⁵⁰

S. Türkiye

Main legislation in force. The Constitution states that *"everyone is equal before the law no matter the language, race, color, political ideology or other reasons,"* and that *"[w]omen and men have equal rights. The state is obliged to ensure this equality within society."*³⁵¹ Türkiye's Labour Law explicitly outlaws the gender pay gap.³⁵² Legislative sources of women's rights and protections in Türkiye tend to be provisions in wider documents on other subjects, *e.g.*, the Constitution, the labour law, the civil and penal codes, rather than one "gender equality act" as is visible in other countries. Despite the constitutional right to equality between women and men, as a result of the scanning carried out in the Political Parties Law and Election Laws, the word 'equality' was only included in an article within the scope of equality between political parties, but the word 'woman' was not found at all.

Barriers to women's participation. Significant barriers to women's equal participation in politics in Türkiye lie in the persistence of violence against women and girls, the lack of financial support, care burden, the political parties' culture, the current electoral system, and the candidate list structure.³⁵³

In addition, multiple forms of discrimination based on racial or ethnic origin, religion or belief, or sexual orientation are especially experienced if female politicians belong to an ethnic-oriented political party and/or represent or talk about different marginalised groups in the society.³⁵⁴ Further, the media appears very polarised, with the major ones controlled by the ruling party while the opposition and critical media channels are dominated by male politicians.³⁵⁵



Women's political participation and representation in national and local elected bodies in Türkiye remains below the global average

Political background. Experience has shown the significant relationship between women's participation including representation and the party system and inter-party competitiveness.³⁵⁶ The transition to a presidential system in Türkiye has led to the formation of electoral alliances, transforming the party system into a structure in which two competing blocs (pro-presidential and anti-presidential) exist in the parliament.³⁵⁷ The right-wing conservative Justice and Development Party (JDP) – Nationalist Movement Party (NMP) alliance, which represents the Turkish-Islamic synthesis has introduced an intolerant, hostile, and uncompromising political attitude toward opposed parties.³⁵⁸ In addition, the JDP has confined the cultural image of women in Türkiye to just wives and mothers, and reduced social policies concerning women to charity rather than rights by giving priority to family-oriented policies.³⁵⁹ A more pluralist and tolerant political approach is necessary to reduce political polarisation in both society and parliament to create a peaceful bridge with room for female politicians to cooperate across party lines.³⁶⁰

Voluntary party quotas. Türkiye has a unicameral parliament with the use of voluntary party quotas. 17% of the seats in the Türkiye Büyük Millet Meclisi (T.B.M.M) / Grand National Assembly of Türkiye are held by women.³⁶¹ Türkiye has no binding quotas in legislation, but some parties have implemented their own. In 2007, The Democratic Society Party (DTP) was the first political party in history to introduce a co-chair/co-mayor system and a 40% gender quota.³⁶² In 2015, the People's Democratic Party (HDP) was the first political party to adopt a 50% gender quota and a 10% quota for LGBTI+ candidates. The İyi Parti (the Good Party) also has a 25% gender quota while the Republican People's Party (CHP) implements a 33% women's quota for candidates, selected by the central committee of the secularist party.³⁶³ Nonetheless, due to the absence of a zipper system, male decision-makers in political parties tend to fill these quotas by placing women at the bottom of the list at ineligible places.

Women's participation and representation in politics. Women's political participation and representation in national and local elected bodies in Türkiye remains below the global average.³⁶⁴ Women face serious challenges in accessing leadership roles and participating in politics at all levels, despite some political parties using quotas and other measures to increase women's representation.³⁶⁵ According to the World Economic Forum's Global Gender Gap Report 2022, Türkiye ranks 112th in political empowerment for women³⁶⁶ and 140th

in economic participation and opportunity. In Türkiye, only 17% of the members of the parliament are women.³⁶⁷ Only one of the 17 government ministers is a woman, and women are significantly under-represented in local politics; in 2019, women made up only 3% of mayors, 11% of municipal councillors, and 2% of muhtars (village heads).³⁶⁸

A gender equality based electoral law should be agreed upon in the framework of parity and parity democracy. Parity at all levels, including equal representation, is a requirement of democratic politics beyond the actions related to laws. As the Women's Coalition Türkiye's recent research highlights, women's organisations continue to emphasise that equal representation and equal participation should be ensured in all areas of life, and a parity law should be prepared in accordance with the principle of equality in Article 10 of the Constitution. Even though the upcoming elections in Spring 2023 require the implementation of Article 10 of the Constitution and thus oblige all political parties and the relevant legislative framework to respect the Constitution and ensure relevant legislation to guarantee women's equal political participation on the ground.

A gender equality-based election framework should be implemented according to parity and parity democracy principles. In order to ensure the equal political rights of women, financial resources, both from the treasury and in the budget planning of political parties, should be distributed on the basis of gender equality. Accordingly, the threshold for receiving treasury aid should be lifted, and the use of treasury aid to support women politicians should be legally secured.

Violence against women in politics. The most significant legislation for the subject in Türkiye is the law on protecting family and preventing violence against women adopted in 2012 pursuant to the ratification of the Istanbul Convention by Türkiye in 2011.³⁶⁹ The law's stated purpose is to protect women and children, who are subjected to violence or are at risk of violence, and to regulate procedures and principles with regard to the measures of preventing violence against them.³⁷⁰ Yet, in 2021, amid the backlash against women's and marginalised communities' rights,³⁷¹ Türkiye withdrew from the Istanbul Convention – the first time ever a Council of Europe member has withdrawn from an international human rights convention.³⁷² Women in politics have increasingly been the target of violence, in particular women with an intersectional background such as female politicians from the Kurdish Political Party (HDP) or representing different marginalised groups in society. Violence

against women in politics should be defined, monitoring of political violence and effective violence complaint and sanction mechanisms should be established, and special measures should be taken to protect female politicians from violence.

General remarks. Türkiye was one of the first countries in the world to establish voting rights for women, which it introduced in 1930. After the establishment of the Republic of Türkiye as a secular democracy, legislation was introduced to improve gender equality in social, economic, and political areas. By the 1980s, the improvement reached its apex. In the 2000s, specifically due to the candidacy process of Türkiye to the European Union and mainly due to the strong advocacy of the women's movement, many national and international legal policies had been codified.³⁷³ Close to 30 discriminatory articles in the Turkish Penal Code were amended in favour of women, again thanks to the intensive technical and political advocacy of the women's movement. The crimes perpetrated against women and girls that were treated as crimes perpetrated against the family and society before 2005 were then regulated as crimes against the "individual", which was a paradigm shift.

However, Türkiye remains far behind other countries in gender equality. The 2020 Gender Gap Index of the World Economic Forum ranked Türkiye 130th out of 153 countries.³⁷⁴ In 2022, the figure was 124th out of 146 countries.³⁷⁵ In this regard, Türkiye has notably been "*performing even worse than countries with a similar level of Islamic influence, economy, or the governance length of one head of state.*"³⁷⁶ Notably, the Council of State Prosecutor declared the President's withdrawal from the Istanbul Convention illegal and asked the Council to annul the decree. An action was brought in the Council of State to invalidate the Presidential decision to withdraw on the basis that it was unconstitutional for a decision to terminate a treaty which had required legislative approval to enter into, to be made solely by the executive. However, in June 2021 the argument was rejected, with the majority of the Council finding that the termination of treaties was a matter for the executive power. The Council of State made its final decision on the Istanbul Convention at the beginning of January 2023 by validating the Presidential decision to withdraw from the Istanbul Convention against all the resistance from the women's movement and LGBTQI+ organisations. NGOs are closely following up on the next steps and planning to take the decision before the Constitutional Court and then to European Court of Human Rights, if it is necessary.³⁷⁷

In Türkiye, only

17%

of the members of
the parliament are
women

Partly, the lack of more recent progress despite the early advances Türkiye made in the 20th century can be attributed to the current conservative political regime. Other factors are patriarchal values and an emphasis on the roles that women play in families from a patriarchal viewpoint.³⁷⁸

T. The UK

Main legislation in force. The Sex Discrimination Act 1975 prohibits discrimination based on sex in the workplace. The Sex Discrimination (Election Candidates) Act 2002 excluded candidate selection from the 1975 Act, thereby permitting UK political parties to use positive discrimination to fight against the under-representation of women in elected bodies.³⁷⁹ This area has more recently become regulated by the Equality Act 2010.³⁸⁰

No legislated candidate quotas. The UK has a bicameral parliament. There are no legally binding quotas for candidate nominations for UK political parties.³⁸¹ Nor are there legally binding quotas for the European elections, nor at the sub-national level.

Voluntary party quotas. Voluntary party quota provisions were adopted by both the Liberal Democrats and the Labour Party. The Federal Constitution of the Liberal Democrats expressly states that the party's Federal Committee shall not have less than 40% (or if this 40% is not a whole number, the whole number closest to 40% but which does not exceed it) of individuals that self-identify as women or non-binary people, and for people that self-identify as men.³⁸² Additionally, the party identifies as associated organisations the Liberal Democrat Women, LGBT+ Liberal Democrats, and Liberal Democrat Campaign for Racial Equality. The Labour Party Rule Book provides that the National Executive Committee shall from time to time issue guidance and instructions on the conduct of meetings and *"guidance and instructions on the implementation of quotas for women's representation."*³⁸³ The Rule Book's model procedural rules for Party units (e.g., local Constituency Labour Party groups, Branches, etc.) state: *"[t]his Party unit accepts the principle of minimum quotas for women at all levels of representation within the Party and shall take steps to ensure that 50% of any delegation shall be women and, where only one delegate is appointed, a woman shall hold the position at least every other year."*³⁸⁴

Implementation. After the 2019 general election, 224 out of 649 elected MPs were women (34.5%). This was an increase from 30% in 2015 and from 18% in 1997. The current figure is the



UK's highest ever proportion of women MPs. The Labour, Liberal Democrat, and Green Parties have majorities of female MPs. This is partly attributable to their voluntary quotas. The increase has been aided by the introduction of a new scheme to allow proxy voting for MPs with caregiving responsibilities, and changes to House of Commons sitting hours. The UK parliament has the 38th highest proportion of women in the world, coming 16th in Europe and 3rd in the G7 (behind France and Italy).³⁸⁵ In the executive branch of government, progress began to increase in the 21st century, but has been inconsistent. The Labour government of 1997 was the first to have more than two women cabinet ministers simultaneously. In 2008, 36% of the cabinet ministers were women. This fell to 14% with the coalition government of 2015.³⁸⁶ The figure for the current government is 23%.³⁸⁷ Such inconsistencies can be partly attributed to the internal party politics surrounding cabinet appointments.

Women's representation in the UK meets several barriers such as the political parties' cultures and the design of its electoral system. Currently, women candidates for public office suffer from high levels of violence, particularly online.³⁸⁸ A number of reports, both at Westminster and at the level of the devolved administrations, have explored how to address gender discrimination. This includes the Westminster Women and Equalities Committee Inquiry into a gender sensitive parliament. There has been some important movement on use of quotas. As part of a Senedd Reform package, the Welsh Government and the Senedd have recently approved recommendations to have integrated statutory gender quotas with closed lists using the d'hondt formula. Under this formula, the total votes cast for each party in the electoral district is divided by one, two, three, *etc.*, up to the total number of seats to be allocated for the constituency. This is also likely to include mandatory zipping of candidate lists.³⁸⁹ A major obstacle to this becoming reality are potential legal challenges over legislative competence. This does not yet exist in legislation and no specific incentives and/or sanctions have been agreed currently. WEN Wales, the Welsh coordination to the EWL, have long campaigned for this due to international evidence that quotas work, but agree that they are no silver bullet and have to be combined with measures to address all the other obstacles, such as harassment/abuse, financial barriers, caring responsibilities, stereotypes, and parties' culture. In Scotland, a review of women's representation in the Scottish parliament was launched in early 2022.³⁹⁰ While it is too early to comment on the success of the above-mentioned initiatives, it can be said that overall, the proportion

The UK parliament has the 38th highest proportion of women in the world, coming 16th in Europe and 3rd in the G7

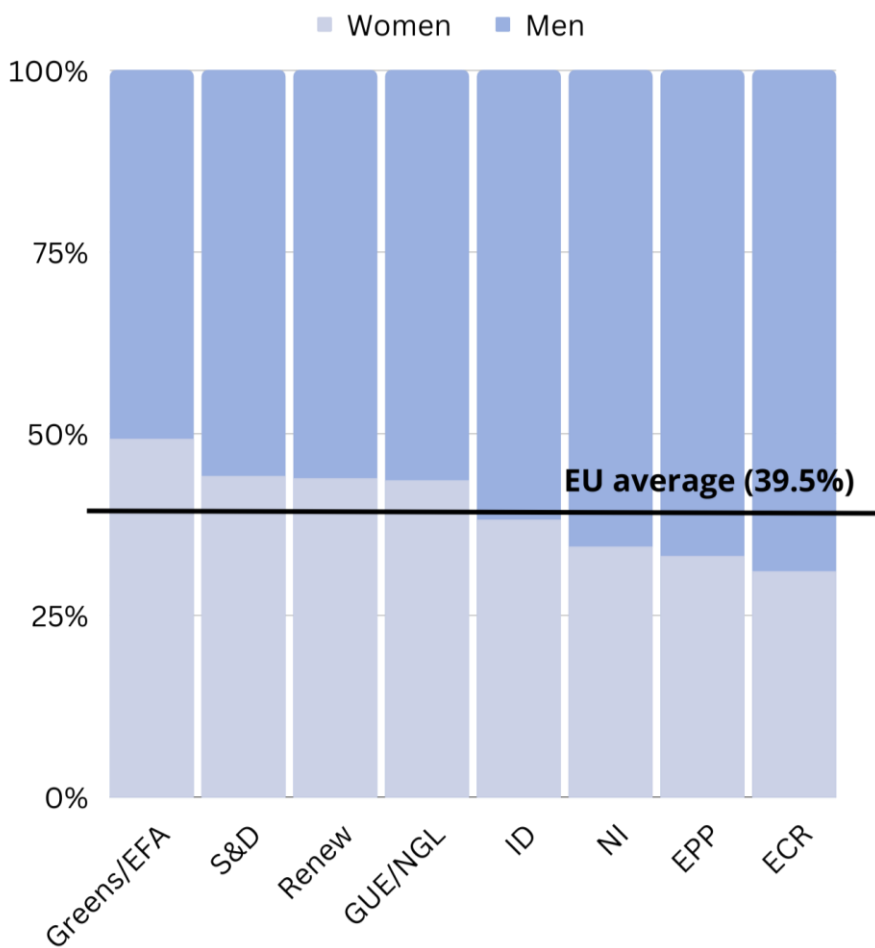
of women in senior elected or other roles is rising slowly and without direct intervention. The Fawcett Society has published a number of research papers on this, in most cases covering England, Scotland, and Wales.³⁹¹

“Unfortunately we don’t have that many women that are interested in stepping into politics.”

Greek Prime Minister Kyriakos Mitsotakis, when asked why out of his 22 cabinet ministers only 2 were women (11 July 2019)

V. European Political Parties' Initiatives to Improve the Representation of Women

Women in the European Parliament by Political Group



Source: Europa, 2019 elections³⁹²

A. The European People's Party (EPP)

The statutes only mention that the party strives towards equal participation of women and men in all its organs.³⁹³

B. The Progressive Alliance of Socialists and Democrats (S&D)

The delegations of the Socialists' key organs (*i.e.*, Party of European Socialists (PES) Congress and PES Council) must be gender-balanced, *i.e.*, "there should not be more than a difference of one delegate between the two genders."³⁹⁴ The Congress is responsible amongst other things for the resignation, suspension and exclusion of members, electing the President, and adopting resolutions and recommendations. The Council contributes to the party's policy and serves as a platform for strategic discussion.³⁹⁵

If the delegations are non-compliant with the gender-balance provision, their vote to the congress will be reduced proportionally.

In parallel, the Socialists created a "PES Women" standing committee. Its mission is to formulate and implement the objectives relating to gender equality and women's rights policies within the framework of the PES and to take necessary actions (such as campaigns) outside of the PES to further gender equality and women's rights in and outside Europe.

C. Renew Europe

Although the party's priorities include to support gender equality, there does not appear to be any gender quotas.³⁹⁶ In addition, neither the Alliance of Liberals and Democrats for Europe (ALDE)³⁹⁷ nor the European Democratic Party (EDP)³⁹⁸ include gender quota requirements under their statutes.

D. The Greens/European Free Alliance

The European Greens' Statutes "*apply the principle of gender-balance in all its elected and appointed bodies and external representation.*"³⁹⁹ In addition, full and candidate members must apply gender-balance principles to their party's structures.⁴⁰⁰

In the Council (*i.e.*, the decision-making body), each full member has a minimum entitlement of two delegates to achieve gender-balanced participation.⁴⁰¹ The Greens Party Committee, which is composed of nine members elected by the Council, must include two Co-Chairs: a woman and a man.⁴⁰² This gender-balance provision is monitored after each vote, by the Co-Chairs.⁴⁰³

While the adoption of gender-balance provisions is an improvement compared to other parties, the wording of the statutes does not expressly establish a 50% quota of women, and there are no sanctions for non-compliance with the requirements described above.

E. The Left in the European Parliament - GUE/NGL (The Left)

As of the 2019 elections, 43.6% of the MEPs of this political group were women.⁴⁰⁴ The group has a co-presidency which currently is led by both a female and male president (Manon Aubry and Martin Schirdewan).⁴⁰⁵ The group also includes four vice-chairs, a treasurer, and one MEP from each national delegation not already represented by a vice-president or treasurer.⁴⁰⁶ The group's Secrétariat includes 38 women out of 89 staff members (45%).⁴⁰⁷ Although this is the current group's composition, there is no publicly available information on whether gender-based quotas are in place. Nevertheless, some of the parties that belong to this group impose gender quotas within their own statutes. For example, the Unidas Podemos statutes⁴⁰⁸ provide that the Council for Municipal Coordination,⁴⁰⁹ the Council for Autonomous Coordination,⁴¹⁰ the Municipal Citizen Council,⁴¹¹ and the Democratic Guarantees Commission⁴¹² must all have at least 50% women.

*“You are more beautiful
than intelligent.”*

Former Italian Prime Minister Silvio Berlusconi, on live television to Rosy Bindi, the president of the Democratic Party (2009)

VI. Conclusions

The study findings show a need for legally-binding instruments at the EU level. These instruments should provide a clear framework including sanctions to be imposed by EU Member States on non-compliant actors (including political parties). EU Member States should not be granted significant discretion on the sanctions to be applied (as opposed to what the Women on Boards Directive provides for).

The existence of financial penalties for non-compliance with quotas/alternation legislation does not appear to have a deterrent effect such as to create a significant impact on the representation of women in decision-making. Experience has shown that these financial penalties are either not implemented (*e.g.*, Greece), or integrated into the political parties' budgets (*e.g.*, in France). The EWL believes that a rejection of the non-compliant electoral lists can be an effective sanction, provided that this rejection is implemented in practice.

Some EU Member States provide incentives taking the form of financial bonuses for women being represented at the national parliament (*e.g.*, Croatia). However, experience has shown that these are not sufficient to improve the representation of women in decision-making.

Legislated candidate quotas when designed and implemented adequately and supported by a gender mainstreaming of policies have increased women's inclusion in politics. The case studies presented here highlight that voluntary party quotas can lead to improvements in women's representation, but that this progress can be lost as it rests on parties' political will. Moreover, to be successful voluntary party quotas need to be embedded in a society with a longstanding commitment to gender equality and proactive gender mainstreaming across all policies.

In Iceland, experience shows that a close to gender equal parliament is a parliament that works for women and actively improves gender equality – legislation has fundamentally transformed Icelandic society towards better gender equality since 2009. In several EU Member States, the research seems to highlight a positive

relationship between a parliament closer to gender-balance and the adoption of legislation to advance women's rights (e.g., France, Spain, Portugal). Experience has shown that the higher the presence of women in leadership is, the lower the level of gender-based violence is (especially in relation to physical violence).⁴¹³

Women are still missing in politics across Europe. While women have the same formal political rights as men, women are still excluded from decision-making positions, which results in more than half of the population being persistently under-represented in decision-making, as well as its legitimate interests, needs, and expectations.

Improving women's representation in politics and in decision-making positions is essential to European democracy and to make it more transparent, accountable, and representative. The existing inequalities are rooted in unequal power relations and "natural" progress will not adequately solve the issue. Hence it is crucial to be proactive to materialise equality between women and men.

“Women must earn less than men because they are weaker, they are smaller, they are less intelligent.”

Polish Member of the European Parliament Janusz Korwin-Mikke, during an European Parliament debate on the gender pay-gap (3 March 2017)

Independent, Women are 'smaller, weaker, less intelligent' and should be paid less, says right-wing Polish MEP, 3 March 2017. Available [here](#).

ENDNOTES

¹ The coordination of gender mainstreaming across the European Commission's Directorates-General is currently under the central responsibility of the Directorate-General for Justice and Consumers, led by Commissioner for Equality Helena Dalli. Within the EC's Directorate-General for Justice and Consumers (DG JUSTICE), Unit D.2 coordinates the EC's work, as well as an Inter-Service Group on Gender Equality (ISG), with members from all EC's DGs and services. The ISG coordinates the implementation of actions for equality between women and men in the policies and annual work programmes for their respective policy areas.

² *Official Journal of the European Union, Consolidated Version of the Treaty on European Union*, 7 June 2016. Available [here](#). *Official Journal of the European Union, Consolidated Version of the Treaty on the Functioning of the European Union*, 7 June 2016. Available [here](#).

³ *Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms*. Available [here](#). See also *Directive (EU) 2022/2381 of the European Parliament and of Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures*. Available [here](#).

⁴ In each of these countries, the share of each gender represented in the national parliament is at least 40%. See *European Commission, Staff Working Document. 2022 Report on gender equality in the EU*, 8 March 2022, p. 33. Available [here](#). Notably, Spain, Belgium, France and Portugal all have mandatory quotas in place.

⁵ In each of these countries, women make up only 1/7 or fewer in the national parliaments (*Ibid.*, p. 30).

⁶ *European Institute for Gender Equality (EIGE), Gender Equality Index 2022*. Available [here](#).

⁷ *Ibid.*

⁸ *EIGE, Gender Statistics Database, 2022*. Available [here](#).

⁹ *EIGE, Gender Equality Index 2022: The COVID-19 pandemic and care, 2022*. Available [here](#).

¹⁰ *European Commission, Staff Working Document. 2022 Report on gender equality in the EU*, 8 March 2022, p. 33. Available [here](#).

¹¹ *European Network Against Racism (ENAR), 2019*. Available [here](#).

¹² *Official Journal of the European Union, Consolidated Version of the Treaty on European Union (TEU)*, 26 October 2012, Articles 2 and 3. Available [here](#). Article 2 notes that the EU is founded on "the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail". Article 3 states that the EU "shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, [...]". See also *Official Journal of the European Union, Consolidated Version of the TFEU*, 26 October 2012, Articles 8, 10, 19, 153, 157 and 165. Available [here](#).

¹³ *Ibid.*, Article 10.

¹⁴ The Member States and the European Commission are working towards different initiatives, but special attention should be paid to (i) [youth](#) and (ii) [education](#) where there are express mentions to the EU's intention to act in furtherance of gender equality.

¹⁵ *European Commission, Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms*, 4 March 2021. Available [here](#); see also *Official Journal of the European Union, Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)*, 26 July 2006, Recital 4. Available [here](#). This was addressed under ex-Article 141(3) of the Treaty establishing the European Community, which is now Article 157(3) TFEU.

¹⁶ See for instance the Victims' Right directive, which includes protections for women that suffer from gender-based violence – see *Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*, 25 October 2012. Available [here](#).

¹⁷ See for instance the European Commission's initiative from December 2021 to trigger a Council decision to extend the list of EU crimes in Article 83(1) TFEU to include hate speech and hate crime, which is being discussed in the Council, with a wide majority of the Member States supporting it. Once adopted, the decision would create a legal basis for criminalising offline misogynous hate speech or hate crime – see *European Commission 2023 Report on Gender Equality in the EU*, available [here](#).

¹⁸ *European Parliament, Study requested by the FEMM committee, The Differing EU Member States' regulations on prostitution and their cross-border implications on women's rights*, September 2021. Available [here](#).

¹⁹ *European Commission, Directorate-General for Migration and Home Affairs, Study on the gender dimension of trafficking in human beings. Final report*, 8 June 2016. Available [here](#); see also *EP, Study requested by the FEMM committee, The Differing EU Member States' regulations on prostitution and their cross-border implications on women's rights*, September 2021. Available [here](#).

²⁰ *European Commission, Why do we need the Charter? The Charter of Fundamental Rights, what it covers and how it relates to the European Convention on Human Rights*. Available [here](#).

²¹ *Ibid.*, Article 21.

²² *Ibid.*, Article 23.

²³ *Czech Centre for Human Rights, The Czech Republic and its opt-out from the EU Charter of Fundamental Rights*. Available [here](#).

²⁴ The principle of subsidiarity is laid down in Article 5 TEU. The criteria for its application are set out in Protocol (No. 2) on the application of the principles of subsidiarity and proportionality annexed to the Treaties.

²⁵ As an example, see *Official Journal of the European Union, Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)*, 26 July 2006, Recital 36. Available [here](#). See also *Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation*, 2 December 2000, Recital 37. Available [here](#), and *Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*, 19 July 2000, Recital 28. Available [here](#).

²⁶ *Ibid.*

²⁷ *European Commission, Commission Staff Working Document, Evaluation of the relevant provisions of the Directive 2006/54/EC implementing the Treaty principle on 'equal pay for equal work or work of equal value'*, 5 March 2020. Available [here](#).

²⁸ *Official Journal of the European Union, Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)*, 26 July 2006. Available [here](#).

²⁹ *European Commission, Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence*, 8 March 2022. Available [here](#).

³⁰ *European Commission, Proposal for a Directive of the Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures*, 14 November 2012. Available [here](#).

³¹ *European Parliament Press Release, Parliament approves landmark rules to boost gender equality on corporate boards*, 22 November 2022. Available [here](#).

³² Listed companies are public companies, which have issued shares of their stock through an exchange, with each share representing a part of ownership of the company.

³³ *European Women's Lobby, Get on board with gender equality!*, 10 November 2022. Available [here](#).

³⁴ *European Parliament Press Release, MEPs begin revising rules on EU elections, calling for pan-European constituency*, 3 May 2022. Available [here](#).

³⁵ National case studies below, at Section IV.

³⁶ *European Parliament Think Tank Briefing, Election of the President of the European Commission: Understanding the Spitzenkandidaten process*, 5 April 2019. Available [here](#). In 2019, the institutional balance shifted in favour of the Council as neither the fragmented groups in European Parliament nor the EU Member State Governments in the Council were able to agree on one candidate. The Council then nominated the compromise candidate of Ursula von der Leyen. In her electoral speech, von der Leyen explicitly noted that there would be a retention and improvement of the Spitzenkandidaten procedure as well as the introduction of transnational electoral lists. See *LSE, Why the EU's Spitzenkandidaten procedure should be revived before the next European Parliament elections*, 29 July 2021. Available [here](#).

³⁷ If the proposed candidate does not obtain the required majority, the European Council, acting by a qualified majority, must within one month propose a new candidate who will be elected by the European Parliament following the same procedure.

³⁸ *European Parliament, Briefing, Women in Politics in the EU - State of Play*, March 2021. Available [here](#).

³⁹ *European Parliament News Section, Women in the European Parliament (infographics)*, 3 March 2022. Available [here](#).

⁴⁰ *European Commission, Eurobarometer Gender Equality and Gender Pay Gap*, June 2017. Available [here](#).

⁴¹ *European Greens Party Statutes*, Articles 3 (3.8), 6 (6.3.6.4), and 6 (6.5.15). Available [here](#).

⁴² *IDEA, Engaging Young People and Women in European Parliament Elections, International IDEA Discussion Paper 3/2019*. Available [here](#).

⁴³ The European Green Party presented a gender-balanced co-candidacy appointing Bas Eickhout and Ska Keller from Germany, and the Party of the European Left followed its example by nominating the Slovenian Violeta Tomić and the Belgian Nico Cue; see also *Eyes on Europe, The 2019 European Elections' Spitzenkandidaten at a Glance*, 10 May, 2019. Available [here](#).

⁴⁴ *European Left Statutes*, Articles 12, 16, 20, and 27. Available [here](#).

⁴⁵ The Council of Chairpersons proposes the concrete mode of work of all bodies as well as regulations concerning the decision-making process rules of procedures. Additionally, it has important rights such as the right of initiative and rejection on important political issues.

⁴⁶ *Socialists Party Statutes*, Article 22 (22.4) and 30 (30.3). Available [here](#).

⁴⁷ *European Political Parties' Initiatives to Improve the Representation of Women*, below at Section V.

⁴⁸ *European Parliament, Legislative resolution of 3 May 2022 on the proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision (2020/2220(INL) – 2022/0902(APP))*, 3 May 2022. Available [here](#).

⁴⁹ *European Parliament Briefing, Towards new rules for European elections?*, September, 2022. Available [here](#).

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- ⁵⁰ Council of the European Union, *Proposal for a Council Regulation on the election of the Members of the European Parliament by direct universal suffrage, repealing Council Decision 76/787/ECSC, EEC, Euratom and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision*, 20 May 2022, Article 10. Available [here](#).
- ⁵¹ European Parliament Legislative Train Schedule, *Proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the European Electoral Act*, 20 November 2022. Available [here](#).
- ⁵² Council of the European Union, *Preparation for the General Affairs Council on 18 October 2022. Proposal for a Council Regulation on the election of the Members of the European Parliament by direct universal suffrage, repealing Council Decision 76/787/ECSC, EEC, Euratom and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision - Policy debate*, 10 October 2022. Available [here](#).
- ⁵³ Equality between women and men is a legally binding goal of the EU, entrenched in a large body of European legislation, including Articles 2, 3, and 8 of the TFEU.
- ⁵⁴ European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Union of Equality: LGBTIQ Equality Strategy for 2020-2025*, 12 November 2020. Available [here](#).
- ⁵⁵ The LGBTIQ Equality Subgroup was set up for enhancing implementation of the LGBTIQ Equality Strategy under the High-Level Group on non-discrimination, equality, and diversity. A more detailed description of the group's activities can be found [here](#).
- ⁵⁶ European Commission, *LGBTIQ Equality Subgroup's Guidelines for Strategies and Action Plans to Enhance LGBTIQ*, April 2022. Available [here](#).
- ⁵⁷ *Official Journal of the European Communities*, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. Available [here](#).
- ⁵⁸ United Nations Convention on the Rights of Persons with Disabilities, 6 December 2006. Available [here](#).
- ⁵⁹ ECJ, *Joined Cases C-335/11 and C-337/11 HK Danmark*, 11 April 2013. Available [here](#).
- ⁶⁰ For Spain, see BOE, *Social Integration for Disabled People Act*, 30 April 1982. Available [here](#). For Portugal, see DRE, *Quotas for disabled people Law*, 10 January 2019. Available [here](#).
- ⁶¹ Articles 2 and 3 TEU and Articles 10, 19 and 67 (3) TFEU.
- ⁶² *Official Journal of the European Union*, Council Directive 200/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, 19 July 2000. Available [here](#).
- ⁶³ European Parliament resolution of 26 March 2019 on Fundamental rights of people of African descent in Europe (2018/2899(RSP)), 26 March 2019. Available [here](#).
- ⁶⁴ European Parliament resolution of 19 June 2020 on the anti-racism protests following the death of George Floyd (2020/2685(RSP)), 19 June 2020. Available [here](#).
- ⁶⁵ European Parliament resolution of 8 March 2022 on the role of culture, education, media and sport in the fight against racism (2021/2057(INI)), 8 March 2022. Available [here](#).
- ⁶⁶ In 2017, an FRA survey found that 88% of ethnic discrimination, 90% of hate-motivated harassment and 72% of hate-motivated violence was not reported. Available [here](#).
- ⁶⁷ European Parliament, *Fact Sheets on the European Union, Equality Between Men and Women*, 2022. Available [here](#).
- ⁶⁸ *Official Journal of the European Communities*, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, 2 December 2000, Article 1. Available [here](#).
- ⁶⁹ *Ibid.*, Recital 9.
- ⁷⁰ *Ibid.*, Article 3(1)(a).
- ⁷¹ In the interest of political compromise, such legislation might ultimately need to have a narrower scope than desired, include exceptions, or grant Member States discretion as to the type of sanctions to make it more palatable to national governments and capable of being passed.
- ⁷² ECJ, *Case C- 43/75 Defrenne*, 8 April 1976. Available [here](#).
- ⁷³ ECJ, *Case C-170/84, Bilka*, 13 May 1986. Available [here](#).
- ⁷⁴ ECJ, *Case C-81/12 Asotiatia ACCEPT*, 25 April 2013. Available [here](#).
- ⁷⁵ ECJ, *Case C-30/19 Braathens Regional Aviation*, 15 April 2021. Available [here](#).
- ⁷⁶ This does not mean 50%, but typically refers to a 40% representation of women.
- ⁷⁷ See IPU Parline, *Monthly ranking of women in national parliaments*, 2022. Available [here](#).
- ⁷⁸ Policy Brief, *Promoting the political participation of women in the European Union*, Yvonne Galligan, 2021. Available [here](#). See also European Parliament, *Study for the FEMM Committee, The Policy on Gender Equality in Sweden*, 2015, p.14. Available [here](#).
- ⁷⁹ Nordic Co-operation, *Education*, 4 March 2022. Available [here](#).
- ⁸⁰ Nature, *Gender equality work in preschools and early childhood education settings in the Nordic countries—an empirically based illustration*, 29 April 2020. Available [here](#). Policy-level work aiming to improve school quality includes gender-equality aspects. However, this gender-equality work does not appear to be systematic.
- ⁸¹ Based on the European Women's Lobby's members input to EWL's Survey on women's representation, 2022.

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