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From voluntary party to legal electoral gender quotas
in Slovenia: The importance and limitations of legal
and institutional mechanisms

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Department of Law

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QUOTAS IN SLOVENIA: THE IMPORTANCE AND LIMITATIONS
OF LEGAL AND INSTITUTIONAL MECHANISMS**

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Legal Struggles and Political Mobilization around Gender Quotas

This paper is part of a case study series stemming from a project, "Gender quotas in Europe: Towards European Parity Citizenship?" funded by the European University Institute Research Council and Jean Monnet Life Long Learning Programme under the scientific coordination of Professors Ruth Rubio-Marín and Eléonore Lépinard. Gender quotas are part of a global trend to improve women's representation in decision-making bodies. In the past decade they have often been extended in terms of the numbers to be reached (40 or 50% instead of 30%), and in terms of the social field they should apply to (from politics to the economy to the administration). The aim of the project is to assess and analyse this global trend in the European context, comparing the adoption (or resistance to) gender quotas in 13 European countries in the fields of electoral politics, corporate boards and public bodies.

The case-studies in this series consider the legal struggles and political mobilization around Gender Quotas in Austria, Belgium, Denmark, France, Germany, Italy, Norway, Poland, Portugal, Slovenia, Spain, Sweden, and the U.K. They were presented and discussed in earlier versions at a workshop held in September 2014 at the EUI. Based on the workshop method, all working papers have reflected on similar aspects raised by their country case, concerning: 1) domestic/national preconditions and processes of adoption of gender quotas; 2) transnational factors; 3) legal and constitutional challenges raised by gender quotas in both the political and economic spheres; and 4) new frontiers in the field.

The working papers will be also made available on the blog of the workshop, where additional information on the experts and country information sheets can be found, and new developments can be shared: <https://blogs.eui.eu/genderquotas>.

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Abstract

When in Slovenia after the first multi-party election in National Assembly (NA) 1992 the share of women MPs dropped dramatically and did not changed a lot during the 1990s women activists and left-oriented female politicians started a struggle for an effective measure to improve this situation. First proposals to introduce quotas for internal party bodies and national election came from women in the center and left-wing political parties but with no visible effect for the presence of women in elected political bodies. It was only when legal quotas have been introduced that they brought significant changes in the representation of women in Slovene politics. This paper will focus on the importance of legal and institutional mechanisms that brought up more women in politics in the last elections at all levels but also on the limitations in the functioning of the quota regulations in the Slovene political and institutional context.

Keywords

Slovenia, Quotas, Gender Equality, Women, Legislation

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Introduction

When in 1996 Slovenia started the process of the integration to European Union (EU) and formally applied for EU membership there was only 7.8 percent of women in the NA, when in 2004 joined the EU there was no more than 12 percent and ten years after there is 34.4 women elected in the present one. This progress would not have been possible without legal gender quotas. Slovenia adopted gender quotas in the law for the election at all three levels (local, national and European) but differently composed in terms of how high or low the quota is set, if there is a placement mandate or not and what is the time frame of the implementation of the quota provisions which also leads to a different effect. This shows that other factors (electoral law, electoral system and the importance/relevance/status of the political body, other supportive mechanisms, etc.) are in Slovenia also relevant when we discuss the (un)success of gender quotas. The paper will show the strength and weaknesses of the systemic measures (quota provision) in the given political, historical and cultural context and call for the more structured and precise analyses of the effectiveness of gender quotas.

The paper in the first part explore the historic and complex political situation in Slovenia as a new independent, previous socialist state with all the burdens of transition problems in which gender quotas has been discussed from the early 1990s on in which orientation towards so called big issues prevailed. In the second part we discuss the issue of mobilisation for the introduction of gender quotas in the context in which quotas were either misunderstood (as a residue of the *l'ancien régime*) by those who were to decide on the introduction of them; or have very little or almost no knowledge about the origin and implementation of the gender quota mechanisms in liberal democracies in Europe. Discussion also demonstrate the importance of a wider support of ideologically different oriented political actors and complex intertwinement of different domestic and international factors that coincide and formed an atmosphere in which legal quotas had been introduced. In the third part the success and effects of legal quotas is analysed and some other further effects of gender quotas on the upgrading the representative democracy in Slovenia are presented.

Internal/national preconditions and processes of adoption of gender quotas

In Slovenia fascination with the process of political democratisation and economic liberalisation overshadowed the question of gender equality in the transition from the socialist state socialism to pluralistic democracy with market economy and higher respect of individual freedoms and freedom of choice. Predominantly public opinion in Slovenia and perceptions of gender equality at these times was that it is not an important problem. Slovenia believed to be one of the most developed republics of previous common federal state of Yugoslavia, the most politically liberalized one, the most westernized one; etc. with the highest percentage of women highly educated and employed women, with highly developed and state financed kindergartens etc.

On the other hand following the process of democratisation and liberalisation one can also indicate the process of individualisation and the lack of care for different marginal and marginalised groups. Fascination with some of the democratic principals in politics - like the majority rule - led to the marginalisation of other democratic principles like the responsibility of the majority for minority groups (Gaber 1997) or those which are marginalised, subordinated or powerless, with the only exception of the two national minorities - Italian and Hungarian. Women were among those social groups which were not seriously taken into consideration when discussing issues and problems of political representation in the mainstream political debates in the period of transition (Jalušič and Antić 2001).

It is therefore not surprising that systemic changes of political institutions in the first years of transition period were mostly concerned by the sovereignty of the Slovene nation, structuring of political pluralism and the rule of law. Other systemic changes concerned the questions of

representation, gender equality, inclusiveness of different marginalised groups, came to the forefront of political agenda only later with the empowerment of some of these groups themselves.

Gender quotas were among many politicians in the right-wing parties and among their supporters in the 1990s associated with the socialist past as Communist Party in 1970s introduced some version of quota for women—with respect to the decision-making bodies of all political organizations and delegate lists, this was done under the influence of preparation for the first United Nations (UN) World Conference on Women in Mexico. However those quotas never became part of legislation and did not apply for the highest political position (Lokar 2005: 118). The results of this kind of quotas are also visible when taking into account the share of women in the highest representative posts at that time (delegates in the National Assembly) where the highest share of women in the socio-political chamber reached its peak in 1978 with 28 percent and then lowered to 24 percent at the last election in socialism (Vrečko Ashtalkoski and Antić Gaber 2011: 89). Precisely for that reason that gender quotas has been associated with socialist past, with “forced emancipation of women” and “forced political activities” and not a genuine one wide variety of political actors wider public rejected gender quotas and considered them as “undemocratic tool”. Besides, many new political actors (parties) didn’t want to have any connections with old regime (Antić and Gortnar 2004). There was also a strong believe that political pluralism *per se* will bring all positive changes in respect to political representation.

At the beginning of 1990s there was little support to gender quotas. That meant that all in all almost everybody resisted these proposals regardless of sex, age, ideological orientation. Only few feminist scholars, feminist activists in centre left and left-wing parties and small feminist NGOs supported these policies. In the 1990s when this issue was discussed in the NA right wing political parties and high ranking male and female politicians in them and often also some male politicians in the left wing parties openly opposed these measures. They often hide their rejection of equal opportunity policies behind rhetoric stating that they do support equality of women and men but they are against measures that are forcing women to compete for political positions. Few politicians from right wing parties went that far and justify their resistance to these policies by explaining that women by joining men in traditional male field with strong battles would lose their femininity, and the alike.

Strong opposition also came from the state officials (lawyers, legal experts) who were asked for the review of constitutionality or compliance with existing legislation while the proposals were in the readings in the parliament. They were usually very strict and had strong aversion when changing legislations were at stake especially when gender issues were discussed either concerning discourse or legal regulations they usually oppose the changes. Their argumentation (often prepared by un-named legal experts) was usually connected to the conviction that gender equality is ensured or at least sufficiently regulated by the Constitution, Law on Elections to the National Assembly and other electoral laws. Government was also convinced that it is inappropriate to regulate the question of gender quotas with the indirect state intervention in the internal acts and autonomous organization of political parties (Gortnar 2004).

Such arguments started to change in left and centre-left political parties. Disappointed with the position of women in politics and in their parties, women in these parties, the Liberal democrats (LDS) and the Social Democrats (SD, previously ZL and ZLSD) started internal debate to incorporate gender quotas into their party statutes. This was possible due to the fact that women in these two parties get organised and formed a strong women’s group inside their parties. Women in ZLSD established their own section Women’s forum (Ženski forum) and their counterparts in LDS formed Women’s net (Ženska mreža) in the beginning of 1990s, which was not at all an unproblematic act, despite the fact that similar left parties across the Europe also had strong women’s groups in their party structures, some women were not enthusiastic about it (Jeram 2011: 216). They both had among them several strong and renown female politicians that either had in the past some strong positions in the party or have had experience in doing politics in general that enabled them to put strong demand towards their male colleagues in the leading positions to consider women in politics seriously and that party has to take some action to include women’s perspective into politics as they were persuaded that transition

area had been generally orientated against the widening of women's rights. It is also important to underline that these women's groups had contacts with their sister women's and parties' organisation in Europe and especially Scandinavian countries and were also supported by feminist scholars who had been researching feminist movements in Europe and were informed about the new mechanisms and their effectiveness in respect of gender presence and representation in politics (Bahovec 2005). The rationale behind their proposal to introduce gender quotas was in line of the general spirit of the time which was that Slovenia wants to be presented as new democratic country. To prove this they cannot leave more than half a population of women without any or very low representation rate in the important political bodies.

In this respect women in the two mentioned parties started to change the situation in their parties first. The ZLSD before general election in 1996 introduced 40 percent obligatory gender party quota but because of the poor results in the national election decided to make quota provisions not obligatory for the next election. In the LDS 30 percent quota was put in party programme in 1990, but was understood more as a target and not as immediate obligation. In 1994 LDS accepted regulation that made quota obligatory but only for the nomination process (the party council's nomination stage), which resulted to less than 20 per cent of female candidates on the electoral lists for the national election. This process further developed in 1998 when gender-neutral proposal for quotas had been introduced by which neither gender could have less than one-third of the candidates on the party list for the national election (Antić Gaber 1998: 214), but then the same party again in 2000 lowered the percentage to 25 with the provision to increase it in each subsequent election for 3 percentage points, with a 40 per cent share of men and women set as the final objective (for more see Antić Gaber and Lokar 2006).

This two cases show how difficult it was to introduce obligatory party quotas for the election in Slovenia at the level of political parties. The fact that these rules had not been followed by other parties weakened the possibilities of women in the two pioneering parties to be successful in their demands. Yet on the other hand dissatisfied with the low level of presence of women in politics among politically engaged women grew and the persuasion that obligatory institutional or legal provisions are needed increased. On such a background group of deputies in the NA in 1994 during the parliamentary discussion on the proposed *Act on Political Parties* tried to include a provision that would legally bind political parties to ensure a minimum percent of each sex on their electoral candidate lists, but the proposal didn't get sufficient support.¹ Instead only the following provision was included: "the party shall define in its statute a method of ensuring equal opportunities in nominating candidates for the elections."²

In the next years there were two more attempts (in 1996 and in 1998) to introduce legal measures for balanced participation of women and men in politics. It was proposed that party's statutes has to explicitly define procedures and measures with which they are aimed to ensure equal opportunities of women and men in standing for election, but NA in both cases refused this proposal.³

Analysing this processes Antić and Gortnar identified several factors that led to the failure of the proposals: as the most important reasons they found low presence of women MPs (7.8 percent) in the Parliament and their lack of political power within their respective parties; the second reason according to them was that women MPs participated only rarely in debates about quotas what can be interpreted as that women themselves were largely disinterested in legal measures that would increase their share in politics, but also that the reason for their low share in these debates can be the result of the lack of support of their parties and their constituencies. Even more: it meant also that the struggle

¹ Source: Minutes of the 19th, 23rd and 24th session of the NA in the year 1994. More about the whole process, see Gortnar 2004.

² Source: Act on Political Parties, 1994.

³ Source: The minutes of the 47th session of the NA, 1996 and the minutes of the 19th session of the NA, 2000.

for women's rights was frequently negatively interpreted and stigmatized at these times in Slovenia and so they even did not use the word quota, not to be associated with the “feminist radicalism”; the next reason for the lack of support for quotas authors saw in the insufficient knowledge of the MPs about special measures and various equal opportunity policies in liberal democracies around Europe; as yet another reason for the lack of support they claim the then government's opinion that quotas should not be regulated by law to avoid state interference with the statutes and autonomy of individual political parties (Antić and Gortnar 2004). In another analysis of the oppositional argumentation, following reasoning was found: as that “there are not enough competent and willing women” to meet a quota of 30–40 percent (right-wing and centre-right parties); that women should not be “forced to work in this dirty and competitive environment” (party leaders and male parliamentarians from far-right parties); that “gender quotas are offensive to capable women” (women MPs from different political parties); that enactment of the quota would “violate the Slovene Constitution” as Slovene Constitution stipulates full gender equality and prohibits any discrimination on the basis of sex. Quotas would also discriminate against more capable men (legal experts in government and parliament) and that voters should decide who is to be elected politicians (from right-wing party leaders) (for more, see Lokar 2005: 120).

In the discussion on quotas in NA there were among other argumentations attempts to present the introduction of gender quotas (in the sense that this are quotas for women) as a reverse discrimination; that gender quotas in this sense are in the collision with the gender neutral statement in the Constitution which in its 14 Clause stipulates: “In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability or any other personal circumstance. All are equal before the law.”⁴

Mobilization, contestation, debates

It is worth noting, at this point, that Slovenia as a part of former Yugoslavia until the end of 1980s shared common political and social system for almost six decades and among them were also some characteristics of the mobilization of women for their rights. However there were several different periods in this development. The history of women's and feminist movements in Slovenia starts in Carniola (a Slovenian region of Austro-Hungary) where Slovene population enjoyed more rights than in any other region. Women's movement was considered quite moderate at that time. The main impulses for the movement came from the German feminist movement, Viennese women organizations and journals and from German/Austrian women in the working class movement. Yet in spite of all activities for legal changes that would improve the situation of women in newly formed Yugoslavia after the First World war, changes did not take place, mainly because the political situation and permanent political crisis in the country (comp. Selišnik 2012; Selišnik 2011).

During the Second World War women were a very active part of anti-fascist front and the most active and pioneers for women's rights had been organized in the Anti-Fascist Women's Front (AFŽ) which had been abolished later in the 50s. After the war instead of a grassroots women's organization a state feminism was born supported by important women in Communist Party (comp. Jeraj 2005). They started to implement reforms for the improvement of the position of women in the field of social rights, in family relations and reproductive rights. Slovene reforms were in the field of legislation regarding for example rape and abortion the most advanced not only in Yugoslavia but much broadly. In the late 1970s Second Wave Feminism appeared as a self-conscious and self-defined movement. Yugoslav feminists discussed issues of socialist theory and practice, and disputed many diverse

⁴ Source: Constitution of Republic Slovenia

<http://www.seepag.info/download/slovenia/The%20Constitution%20of%20the%20Republic%20of%20Slovenia%20-%20bilingual.pdf>.

theoretical and empirical aspects of the women's emancipation project. They were excellent scholars, extremely critical and analytical, and very well-informed about the latest developments in international academic feminism, from philosophy to literature. Predominantly intellectuals, they were based in the academies and cultural institutions of three biggest urban centres: Ljubljana, Zagreb and Belgrade. Feminist organization during this period was synonymous with academic debates, and large and widespread feminist grassroots activism was simply unknown (Zarkov 2000).

From the past experiences we can conclude that Slovene feminist activities received the main impulses and good practices from their sister movements from the Yugoslavia and abroad and that in the period of state feminism all large gender reforms were implemented top down. Despite the fact that some feminists had progressive ideas it took time to recognize some of them as acceptable – which is of special importance while Slovenian political culture supports only moderate demands and radical actions are not supported by Slovenian general public (Jalušič 2002: 68).

Related to the fact that in Slovenia there was no widespread feminist movement and that state was important actor in ensuring women's rights it was not surprising that also after the collapse of socialist regime there was no large women's mobilization for acquiring new rights as it was the right to be present in politics in the same share as man. Awareness of the low presence of women in politics in Slovenia came from feminist scholars and activists and few women's groups at the end of 1980s. But these circles and groups were small and mostly based in the capital city Ljubljana (Jalušič 2002). There was no widespread awareness of the issue among the wider population and especially not among women in politics (political parties) but only in the small circles.

Important milestone in that regard since Slovenia gained its independence was the establishment of Parliamentary Commission for Women's Politics in 1991 and Government Office for women's politics in 1992, as a result of a pressure of above mentioned circles at that time important youth organization and later liberal democratic party (LDS). Commission and Office supported these actions and even organised several meetings and tried to reach consensus with women from conservative and right-wing parties to support the introduction of special measures in the laws, but was not successful (Antić and Gortnar 2004).

As it has been presented via described process of trials and failures in introducing gender quotas in the 1990s there were individual women and small circles in the centre-left and left-wing of the ideological spectrum that were aware of the need for some additional policies or measures that have to be introduced to speed up the process of equal presence of women in politics. However as Slovene political field is frequently sharply divided in to two ideological blocks (left and right) it happens in many cases that what propose the politics from the right left-wing cannot support and vice versa. This was also the case of gender quotas. In the nineties almost all the proposals came from small circles in the left-wing and central-left political parties (with only one exception with the support of SLS). Because of narrow support (in the sense of ideological spectrum and in numerical sense) it was obvious that the introduction of gender quotas would not be possible without wider support. It was obvious that only widening the support can compete against strong opposition from party leadership in almost all parties and general unsympathetic attitude to gender quotas along with strong aversion to interfere into parties and voters "freedom of choice" and improve the share of women in NA which did not exceed 13 percent and at local level was even lower 11 percent. It seems that it took some time that women in at the both sides of ideological spectrum became aware that they have to build a strong women's coalition and not only count on the support of their male colleagues in their parties as they prove not to be indeed (unanimously) inclined to gender quotas in politics in any of them. They all recognized that through the common activities they can only gain something for them all and not loose.

The main actors: from few to many – a snowball effect

All this led the activists for introduction of gender quotas to widen the radius of their supporters and formed a wide Coalition for Balanced representation of Women and Men in Public Life in February 2001. (Bahovec 2005: 128). This was a large coalition of individuals from the whole ideological spectrum in Slovene society - active and publicly visible individuals from different fields (culture, academia, NGOs, economy, politics). After certain time some female party figures from right-wing parties joined the Coalition, followed by some prominent male figures from left-wing parties. In the following two years it seemed that there was no major political party leader who would publicly not support a need for gender equality in politics although not everybody would directly call for gender quotas. Coalition had only one goal: to achieve equal representation of women and men in public decision-making through changing the legislation (Bahovec 2005: 128). What was really important in that situation is that there were not only individuals from the left but also from the right wing ideological spectrum and not only women but men as well, especially welcomed were highly ranked political leaders and opinion makers. The coalition started getting more and more supporters and organising different scope of activities including round tables, public confrontations, appeals with which the public opinion and attitudes of important political actors who strongly opposed gender quotas gradually started to loosen their resistance. This remarkable success was made as several factors joined forces.

Some left-wing media also supported this idea by publishing articles, interviews and analysis of elections from which it was obvious that something more abiding has to be put in the law. One of the largest daily Delo also published the Coalition's supplement before the election to EP with the demand for "zip list" for the next election and with the supportive statements of prominent public and political personae that supported the whole idea.⁵

At that time Slovenia had been governed by wide – centre- liberal coalition and started the process of the integration to EU. High politicians at that time also wanted to show Slovenia as democratic and successful new post-socialist state oriented towards progressive changes in respect of political institutions and pro-European orientations.

It was obvious that without legal changes in the realm of gender equality in politics progress is going to be minimal with even regression as possible. It was namely believed that there is no guarantee that even what has already been achieved cannot be lost.

In the process of preparation legal changes of the introduction the quota in the law on election different case studies were carefully analyzed and brought to the attention to wider public and even more to legal experts. Especially powerful were the cases of France and Belgium the two West European countries that at that time introduced quota in their legislation. French case was for the Slovene environment especially relevant. French case - with acceptance of the constitutional provision which state that special measures that promote gender equality are not un-constitutional – seemed to be the one that can be adapted to the Slovene socio-political and cultural environment most successfully and follow the rationale of the new Slovene political elite. Hierarchy of the importance of the structural elements is quite visible in Slovenia while reserved seats for two national minority communities (Italian and Hungarian one seat each) had been already in place with the foundation of the state in 1991, gender and other minorities (Roma or national minorities from the parts of ex-Yugoslavia) has not deserved such an attention.

It was more and more obvious that for the introduction of gender quotas in politics special constitutional reform was needed. The group of external legal, sociological and other expert was formed and proposal formulated for the reading in the NA in which they referred to several

⁵ To see Delo's supplement: <http://5050campaign.files.wordpress.com/2009/03/zenski-lobi-2009-2702-1.pdf>.

international documents, UN Conventions and good practices (France and Belgium).⁶ The argumentation was based on the idea that women represent the majority of population and significant part in the workforce while their share in political decision-making is extremely low and ranks Slovenia on the lowest level among European countries. It was believed that gender balanced representation is important for widening the scope of politics and to improve the broadness and “quality” of decision-making. It is obvious that this kind of argumentation was not based on universalism, recognition of inequality in practice, but led to emphasizing gender difference and women as a special group. This argumentation had been successful it came at the right time (before the election to EP) and the constitutional change had been unanimously adopted in June 2004 shortly followed by first election to EP in Slovenia. The clause says: “*The law shall provide the measures for encouraging the equal opportunity of men and women in standing for election to state authorities and local community authorities*”.⁷ In addition constitution declares that such positive discrimination is not against the article 14 of Constitution, which regulates equality before the law. This was important basis for legislative changes among others for the introduction of gender quotas in the laws on election.⁸

Apart from that Act on Equal Opportunities for Women and Men (AEOWM) accepted in 2004 which contained several provisions for the promotion of gender-balanced participation in decision making was also important legal foundation to introduce legislated quotas. AEOWM among other provisions contained the following:

establishment of equal opportunities is a duty of the entire society; the obligation of the National Assembly is to respect the principle of balanced representation of women and men in the establishment of committees and the composition of delegations; and political parties have a duty to promote gender-balanced representation/ participation; furthermore, political parties that are included in the register of political parties shall adopt a plan in which they shall determine methods and measures for the promotion of more balanced representation of women and men within party bodies, and on candidate lists for elections to the National Assembly and to bodies of local communities, as well as for elections for the president of the state. (Antić Gaber 2011a).

Historical momentum and complex intertwinement of domestic and international factors

As the changes in party policies was too slow (even the parties that adopted gender quotas as their party policies did not entirely respected their rules) it was evident that this process has to be strengthened from the outside pressure. It was more or less obvious that without the law which will enforce certain percentage of both genders at the candidate lists there will be no improvement in women’s presence in politics in Slovenia and in this phase international and supranational institutions (as it was described above) played an important role.

Even before the constitutional reform, an amendment to the Law on the Elections to the European Parliament (March 2004) introduced a 40-percent gender quota for candidate lists.⁹ One of the

⁶ 365-III Poročilo Strokovne skupine k predlogu za začetek postopka za spremembo 44. člena Ustave Republike Slovenije (Spodbujanje enakih možnosti kandidiranja moških in žensk na volitvah) 19.09.2002 [dr. Alenka Šelih, članica Strokovne skupine] Source: https://www.dz-rs.si/wps/portal/Home/deloDZ/zakonodaja/izbranZakonAkt?uid=C12565E2005ED694C1256C5B004AB981&db=kon_akt&mandat=III&tip=doc.

⁷ In Article 43 of the Constitution, a new fourth paragraph was added and reads as follows: “The law shall provide the measures for encouraging the equal opportunity of men and women in standing for election to state authorities and local community authorities.” <http://www.us-rs.si/en/about-the-court/legal-basis/constitution/constitutional-acts-amending-the-constitution-of-t/>.

⁸ The first that was amended was the law on election to EP in the same year, followed by the law on election to the local communities (2005) and law for election to NA (2006).

⁹ This act requires that at least 40 per cent representation of each sex is ensured in any list of candidates. Lists of candidates must be drawn up in such a way that at least one candidate of each sex figures in the first half of any list of seven candidates.

important reason (apart already mentioned above) why Slovene establishment receded from opposing to gender quotas was the concern for the image of Slovene democracy in Europe, if in Slovenia nothing is done to improve the representation of women; the image of Slovene success story could have been endangered. The fact that Slovenia is perceived as a “success story” was very important for the self-esteem of the whole country and all citizens not only the establishment (Antić Gaber and Gortnar 2004: 11). Slovene political elites would therefore rather try to meet expectations and follow recommendations of international bodies in order to stay in the line with other modern democracies in Europe, than risk to be labelled as backward. In other words, the emerging awareness that something has to be done does not appear totally as a result of a genuine commitment to gender equality even though long tradition existed with the bottom up actors of change in civil society since 1990s (Mencin Čeplak 2011). Yet formal institutional politics overlooked those initiatives.

It is obvious from the time frame in which gender quotas has been adopted in Slovene legislation that accession process to European Union definitely played an important although indirect role through the additional pressure on the national politicians to do something about the low presence of women in politics. Masculinization of Slovene politics was especially evident when Slovenia’s parliamentary delegations started to occupy the seats in EP.¹⁰ All male delegation in the time when the share of women in EP was 30 percent and the most advanced countries had 40 percent of women or more (Sweden, Finland, France) among their country MEPs was specially telling.¹¹ It was more than obvious that masculine image of the political field is not something that will bring Slovenia any advantage in the EU.

On the other hand additional factor that influenced the process were also country reports that Slovenia had to present to the United Nations Agencies and other international and supranational organizations while they all demonstrated important progress in the relevant time in chosen areas while the politics was among them with absolutely no progress in terms of the representation of women.¹²

For the sake of presentation of the complexity of the process we note also that Slovenia was in this period among the example countries in the region. It was also the first to establish some important state machineries for gender equality: Parliamentary Commission for Women’s politics (1990), later re-named to Parliamentary Commission for Equal Opportunities of Women and Men; Office for Women’s Politics (1992) than again renamed to Office for Equal Opportunities, Human Rights Ombudsman (1995) and it as such played a leading role in the institution building that has an obligation to monitor the position of women in society and the progress in this respect. (Jalušić and Antić Gaber 2001). But while there was almost no progress when women’s representation in politics was concerned, its position have been questioned and as such presented stimulus – even pressure to go for more.

Moreover there were countries that lag far behind Slovenia in several respect, that were now more prosperous in women’s representation in politics with higher share of women in their parliaments (Bulgaria 26.2; Poland 20.2.; Slovakia 19.3; Croatia 17.8)¹³ and also with the introduction of gender quotas in the law (in Bosnia and Herzegovina, Montenegro, Macedonia) this recognition could have been crucial for some left wing and liberal politicians in Slovenia to support the request for higher presence of women in politics as a relevant one (Jeram 2011: 211).

¹⁰ Jože Poglajen, *Poslanci Evropskega parlamenta so potrjeni*. Dnevnik, 29. marec 2003. See: Articles of Dnevnik <http://www.dnevnik.si/slovenija/46951>.

¹¹ <http://www.europarl.europa.eu/aboutparliament/sl/00622bc71a/Dele%C5%BE-mo%C5%A1kih-in-%C5%BEensk.html>.

¹² See one of them from 1999: http://www.mzz.gov.si/fileadmin/pageuploads/Zunanja_politika/CP/Zbornik/V._CEDAW_-_Drugo_periodicno_porocilo_RS.pdf.

¹³ <http://www.ipu.org/wmn-e/arc/classif300104.htm>.

In this respect the work of Gender Task Force¹⁴ and later European Women's Lobby and her Slovene section¹⁵ has to be mentioned, as both organisations played an important role in collecting and spreading information about the state of affairs of the presence of women in politics in the region and organising meetings and sharing experiences of more successful tactics and ways of collective actions in the same region.

To sum up adoption of quota law in Slovenia is definitely the result of both top down and bottom up strategies and it is precisely combination of both internally and externally structured which is the reason for its success. Namely the bottom up process already started in the end of 80s and beginning of 90s among in the feminist circles, among women active in the women's NGOs (although they were not large and strong) and in the 90s also among women in the women's groups in the political parties. It all started with a demand for more women in politics, for Ministry for women (Mencin Čeplak 2011) and after that followed by demanding for a fair share of women in the leading positions in the party bodies of the centre left and left wing parties (LDS, ZLSD) but few years later also among some prominent female politicians in more traditional political parties (SLS).

Electoral bills and their implementation

Once the constitutional foundation for gender equality has been made with the statement that new laws can introduce measures for equal opportunities it was expected that laws for elections (for local and national election) should be changed and provisions for equal presence of women and men at the electoral lists incorporated. Even more new measures were expected at the governmental level. Thus, in September 2004 the government in compliance with article 14 of the *Act on Equal Opportunities for Women and Men* adopted a decree regulating the criteria for implementation of the principle of balanced representation of women and men - *Decree regulating the criteria for implementation of the principle of balanced representation of women and men*. The decree lays down the procedure for ensuring balanced representation in the composition of public committees and boards and in appointing and nominating government representatives. As well as with regard to the appointment or nomination of government representatives in state-owned companies and other public bodies, unless this is not possible for objective reasons. The same obligation is also binding on ministers with regard to the composition of expert councils established in accordance with the State Administration Act. Both the decree and the act provide that the principle of gender-balanced representation is respected when at least 40 percent representation of women and men is ensured. In certain specified circumstances the decree permits exemptions from this principle on objectively justified grounds. Such an exemption is permitted in cases where membership of a particular government body stems from a particular function (Antić Gaber 2011a). Last data from 2012 shows that through implementation of the Decree the representation of women in working bodies has been increasing. According to this the latest available data claim that the average representation of women in government bodies and in public institutions exceeded the gender balanced representation threshold of at least 40 percent representation of both sexes. However, women remain to be unequally represented concerning the appointments in public agencies and funds, as there were only 31% women representing the government in agencies, and 37% in funds.¹⁶

¹⁴ <http://www.stabilitypact.org/gender>.

¹⁵ From 2006 on: <http://www.zenskilobi.si/o-nas/zgodovina.html>.

¹⁶ Report of the High Commissioner on the role of the public service as an essential component of good governance in the promotion and protection of human rights – good practices in SLOVENIA <http://www.ohchr.org/Documents/Issues/Development/GoodGovernance/Corruption/SLOVENIA.pdf>

Table 1: Incorporation of Gender Quota in Electoral Laws

Level of election	Elec. system	Size	Implementation	Placement mandate	Sanctions
Local	PR (pref.vote), majority	40 (20, 30)	2014 (2006, 2010)	YES	YES dismissal
National	PR (voting units)	35 (25)	2011 (2008)	NO	YES -dismissal
European	PR (pref. vote)	40	2004	YES	YES -dismissal

Following these measures two electoral laws had been changed, but differently. The first legal changes had been introduced in the Local Elections Act in 2005, a year before the next local election. The law provided that lists of candidates for the election to a municipal council have to be drawn up in such a way to ensure that each sex accounts for at least 40 per cent of all candidates listed, and that the candidates in the first half of the lists must alternate by sex (Clause 70a). The act provides the transition period up to 2014, when 40 per cent representation of each sex becomes compulsory. Regulation deliberately started with a very low (20 percent) gender quota in 2006 election; 30 per cent quota for the election in 2010 and in addition during this transitional period, a partial derogation is permitted as regards the principle of candidates alternating by sex in the upper half of the list, which means that it will be regarded as sufficient if they are arranged in a way that at least each third candidate is of the other sex (transitional provision). That means that elections in 2014 is the first with the respected 40 percent gender quotas. The law also stipulate that the confirmation of the party candidate lists which does not meet required quota is to be rejected by the electoral commission.

The second was the Law on the election of National Assembly changed in 2006 when 35 percent quota (with the start of 25 percent women candidates on the voting ballot for the first next election) was set. The law also stipulates that if the constituency electoral commission finds that the list of candidates is not determined in accordance with this Act dismiss it (clause 56).¹⁷ Due to the specificity of the Slovene electoral law for the election to NA (which will be explained later) placement mandate, cannot be incorporated as an additional requirement.

The lowering of the required quota for the first elections at local and at national level was a result of the political debates in National Assembly, when some parties underlined the concern that they will not be able to ensure the required percentage of female candidates so soon. The MPs in discussion understood this stipulation as implementation of the Constitution, the 35 percent gender quota was introduced as some kind of “compromise for the conservative parties” that were persuaded that quotas will have no effect and that they invoke the undemocratic past of communist quotas yet they would introduce such quota to get support for the rest of the amendments of the Law for National Election. Even though the quotas will be unsuccessful mechanism, they are “undemocratic”, parliamentary majority will support the quotas was the message of some MPs.¹⁸ It seems that political parties were already well aware of the principles how to outsmart the new amendment thanks to Slovene PR electoral system (for the national election) but combined with some elements of majoritarianism. Political parties were well aware which voting units are winnable and which are not. Inside the political parties

¹⁷ National Assembly Elections Act. See: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO185#>

¹⁸ Record of Parliamentary Sessions (21.6.2006). See: <http://www.dz-rs.si/wps/portal/Home/deloDZ/seje/evidenca?mandat=IV&type=sz&uid=B8481E23C7AF6FE7C125719B0037A948>. Gregor Virant: I think also that quotas are administrative measure and that they would not change regarding women's representation anything in politics. As far as parties are considered, I think it would be better if you want to have more women in MP's groups, that female candidates would be placed in elective electoral constituencies.

power struggles were therefore going on for the first ones and party gatekeepers reserved winnable seats to those who are already there (among them women were very rare). In this circumstances quota rules with only percentages for the total number of candidates is set and no rank order or other rules, may have very limited effect. Apart from that it was also obvious that NA was at that time perceived the most prestigious political position in the country and the most desirable one and the one in which women are the less welcomed partners for the already anchorable male political elite and had treated the NA as their male fortress (Antić Gaber 2011b). The similar rationality has been observable at the local level at which small, local, traditional male mayors and councillors prevail and had not been ready to include women among them.

Does gender quota work in Slovenia?

So far, legislated gender quotas have been implemented for the local elections in 2006 (20 per cent quota) and for the election 2010 (25 per cent representatives of both gender), for all the elections to the EU Parliament and for the national election in 2008 (25 per cent quota), 2011 and 2014 (full 35 percent quota).

Table 2: Elected Women in Slovenia at All Levels

Year of Election	Local level/ percentage of female councillors elected	National Election/ Percentage of women deputies	European Election/percentage of women MP's
1990		11,3	
1992		12,3	
1994	10,6		
1996		7,8	
1998	11,7		
2000		13,3	
2002	13		
2004		12,2	42,8*
2006	21,5*		
2008		13,3*	
2009			28,6
2010	21,91		
2011		32,2	
2014	32	34,4	37,5

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

* Quotas introduced

From the table above we can see that the gender quotas proved useful for the local election and for the European parliament, yet they were not that successful in the case of first election to NA. As a result of the required gender quotas all the parties put even more women that the law stipulates. For example at the last election only three minor parties put less than 40 percent women at their lists (when the law requires 35 percent), and three parties that were expected to get the seats in the NA (among others a winner of the election) put even around 47 percent of women at their electoral lists.

Nevertheless some activists interpreted the results even for the European election as the proof that gender quotas alone are not completely satisfactory and further legal changes should be adopted.

As for example zipper system should be introduced in a way that male and female candidates would appear alternately on candidate lists.¹⁹ Some other discussions were raised as well supported by civil society. Among other things the Slovene Women's Lobby organized a campaign for more women in the European Parliament with the campaign »50-50« it emphasized the importance of zipper system and also promoted the preferential voting. Also in 2014 the appeals²⁰ for preferential voting of women were discussed in newspapers and as indeed one female MP was elected by preferential vote and defeated her party president who was the leader of the list.

For the National election other problems were raised. The results of elections are mostly interpreted in line with the studies on quota in many other countries that showed that only percentages for the total number of candidates, and no rank order or other rules, may have little effect (Schwindt-Bayer 2009). The success of women in 2011 election can be interpreted in a way that few new political parties appeared on the election, which did not know where their winnable seats are and their party structure was not rigid and exclusive but more open to newcomers (women). Some of the experts also emphasize the impact of the findings of analysis of candidate lists in 2011 done by Slovene Women Lobby, which showed which parties were more supportive to gender equality in politics. Their findings according to these experts also contributed to the praxis that even more women were put in the candidate lists as the analysis empowered women candidates to pressure their parties to put them in winnable seats.²¹ Those debates had again risen questions how to change the electoral system which has been one of the main topic on political agenda since Slovenia became the independent country. The fact that Slovene PR system have not a closed party list for each constituency but instead each constituency (eight all in all) is further divided into eleven voting units represent institutional obstacle for implementation of constitutional article about equal opportunities of men and women.²² To open more opportunities for the implementation of the quota law the proposals to eliminate the voting units and introduce a closed party list on the level of constituency had been put on the parliamentary agenda twice. The proposal to change the law for national election has been in both cases rejected already in the first reading in 2003 and for the second time in 2012.

For the local level quotas were effective yet they had not contributed to political culture would became more prone to gender equality and equal opportunities. In the last campaign it had been again stressed that preferential voting if used to support female candidates can be beneficial for women's electoral chances.²³

¹⁹ Thus "numbers of initiatives has been launched to upgraded legal provisions on quotas, in particular the way of placing method on the candidate lists to enforce the alternating classification in the first place." (Pleš, Nahtigal and Pleš 2013: 13)

²⁰ Such appeals can be found in daily newspapers, electronic media and women's organizations. Pisma bralcev, Dnevnik, 16.5.2014, Oddajte svoj preferenčni glas kandidatki <http://www.dnevnik.si/mnenja/pisma-bralcev/oddajte-svoj-preferencni-glas-kandidatki>; Gašper Lubej, Z "všečki" lahko na evrovolitvah mešate štrene strankarskim šefom, Siol, 21.5.2014, http://www.siol.net/novice/eu_volitve_2014/2014/05/z_vsecki_lahko_na_evrovolitvah_mesate_strene_strankarskim_sefo_m.aspx; Volite nove obraze v občinski politiki, obkrožite ženska imena!, 2.10.2014, <http://www.zenskilobi.si/>.

²¹ As further described below, the analysis of the results of the election to NA in 2011 Slovene Women's Lobby showed that political parties are very well aware which voting units are favourable to them and which seats are winnable and often reserved for male candidates. The first five elections to the National Assembly "had shown that established political elite lacks the political will to change their own behaviour, which prevents the increased political participation of women." (Pleš, Nahtigal and Pleš 2013: 30) It seems reasonable to conclude that this affect the behaviour of the established parliamentary parties, which this time not only take into account the legal provisions on quotas, but also more often than in the past female candidates put into the winnable seats or at least potentially winnable ones.

²² For more about electoral system in Slovenia, see Antić Gaber (2003, 2011a).

²³ *Ženski lobi poziva k uravnoteženi zastopanosti žensk na lokalnih volitvah*, 9.6.2010, Siol. http://www.siol.net/novice/slovenija/2010/06/zenski_lobi_lokalne_volitve.aspx.

Conclusion

As we have seen, introducing gender quotas and big expectations what quotas as a rule can affect has in some cases contributed to make citizens more politically literate and more aware of the importance of the legislation, rules and measures. Accordingly new proposals how to change legislation after the incorporation of the gender quotas in the law had been formulated in the political discussion among different political actors.

Despite the fact that legislative gender quotas in politics cannot make miracles, they did make a change in the public perception of how democratic governance and inclusive democracy should look like. If before the introduction of gender quotas this issue had not been treated in public and media as a serious democratic (lack) now average people and media pay more attention to this issue although not yet treat it as important as it should be. In the last two consecutive national elections the share of women at the lists of candidates outnumbered the two elections in the 1990s together (14 percent in 1992 and 19 percent in 1996) and elected female MPs have not dropped at the last election as it was feared to happen, but increased and almost reached the required quota (34.4 percent) for the candidate lists. This leads to the perception that equal women's presence in politics is something "normal", something expected, something with which Slovenia meets democratic standards. Especially when we take a look at European Gender Equality Index²⁴ in which Slovenia stands low precisely in this area (power sharing).

Nevertheless there were no further proposals to raise quotas or questions of political representation for other social groups (for example for ethnic minorities besides Italian and Hungarian), however there were suggestions to implement gender quota in the field of economy (in the management boards). This was done after proposed *directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures* was made in EU. The acceptance of such directive had no serious oppositions and government of Slovenia supported it. The basis for such decision represents already mentioned the *Decree regulating the criteria for implementation of the principle of balanced representation of women and men* accepted by Slovenian Government in 2004. The Directive on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures was supported by public opinion, economy and parliament Committee for European Affairs and Committee on Labour, Family, Social Affairs and Disability.

It seems that issue of insurance gender representation and presence of women in politics is not as controversial as it was in 1990s. Since gender quotas had been accepted one can also find articles that agree with their introduction also in catholic and conservative media.²⁵ This means that widening the political rights of women is not that unacceptable in their opinion, as for example abortion right about which extensive debate is still going on. One of additional element that we have to have in mind when considering these changes is the fact that politics is not considered as prestigious as it was in the beginning of the building a nation state but among average public more and more believed to be something "dirty, corrupt and immoral" and therefore not that much desirable as it was before. And although on the internet Site "*Predlagam vladi*" (Suggestion to the Government), which is official governmental portal for new legislation proposals sent by citizens one can find at least two initiatives to ensure "50-50" representation of women and men in politics,²⁶ yet majority of visitors of this site does not support such a proposal.

²⁴ The European Institute for Gender Equality (EIGE) <http://eige.europa.eu/content/activities/gender-equality-index>.

²⁵ *So ženske kvote v politiki spodbuda?*, Radio Ognjišče, <http://radio.ognjisce.si/sl/124/slovenija/6117/>.

²⁶ *Predlagajmo vladi*: <http://predlagam.vladi.si/webroot/idea/view/5895>.

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