

The Impact of Gender Quotas on Women's Political Representation

The Case of Georgia

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Abstract: More than half of states existing in the world apply gender quotas to increase women's representation in politics. Since 2020 Georgia is among these countries. The initial experience of realizing the gender quotas principle in Georgia is analysed in the article. The principle of gender quotas has already been applied during two elections: the 2020 parliamentary elections and the 2021 local self-government elections. The article deals with the principal content of the debates between the supporters and opponents of the quoting principle and assesses the effectiveness of the gender quotas for increasing women's descriptive representation. The effectiveness of quoting is assessed using two criteria: a) the extent which the goal set by the quota design was achieved and b) whether the progress was significant as compared to the previous elections.

Key Words: Gender and politics, gender quotas, women's representation

Introduction

During the last thirty years, gender quotes directed towards the growth of women's representation in politics have spread so rapidly all over the world that this process was even called one of the most important institutional changes. According of “The Global Database of Gender Quotas in parliaments”, nowadays one or another type of gender quota is in force in more than half of the world's countries, among them in 70 countries the legislated candidate quotas for the parliamentary elections are adopted.

A wide experience in introducing and implementing gender quotas is accumulated worldwide. Academic interest in studying gender quoting has increased as well. The number of studies which assess the influence of introducing gender quotas on the political representation of women in various political contexts is growing.

Political representation of women implies two aspects: quantitative, descriptive representation (existence of a certain number of women in politics) and substantive representation (defence of women’s interests). A certain number of studies on gender quotas analyze the type of association between the growth of women’s descriptive representation and the strengthening of substantive representation.

Experience of various countries demonstrates that gender quoting enlarges not only the descriptive representation of women, but the substantive representation as well i. e. strengthens considering women's interests in the policy making (Beckwith, 2007, p. 27).

The interrelation of the number of elected women and the results of public policy is attempted to explain through the concept of critical mass according to which women's representation should exceed a certain quantitative threshold to offer women an opportunity to transform political processes. A vulnerable aspect of the “critical mass” theory is the problem of determining the threshold percentage overcoming which will give women an opportunity to impact a policy-forming process.

According to Drude Dahlerup, a gender quota scholar, 30% is generally considered the minimal representation necessary to invoke substantive changes in politics.

During the last 30 years, the concept of critical mass widely spread among politicians, representatives of the media and the women movement. It was and is actively exploited in

arguments concerning the necessity of the measures directed towards increasing the number of women in politics (Childs & Krook, 2008, p.725).

Nowadays researchers are relatively skeptical of the concept of “women’s critical mass”, though they do admit that it fulfilled an important role in the development of further and more consistent research into the political representation of women.

Researches show that, in certain cases, after enlarging women's representation, changes took place regarding legislative discourse, initiatives and results: in particular, legislative initiatives directed towards the protection of women’s interests are introduced by women deputies, cooperation with women organizations and groups becomes stronger, gender dimension is introduced into the political debates (Childs & Krook, 2009). Though in some cases, the growth of women’s descriptive representation does not entail significant changes in the legislative practice.

Accordingly, to strengthen women’s essential representation, the importance of critical mass is great, though without critical actors the proper effect may not be received. Even more, critical actors manage to protect women’s interests even in the situation of the absence of critical mass. Thus, alongside the growth of the number of women politicians, it is important to have such women politicians, who are positioned as defenders of women's interests.

Some researchers think that quotas can create a certain “mandate effect” i.e., create, in the women deputies elected as a result of quoting, some sense of obligation to carry out the policy of promoting the interests of women (Franceschet & Piscopo, 2008, p.395). The “mandate effect” is strong in those contexts where the gender quota was accepted as a result of pressure on behalf of the women's movement.

Gender quotas can give rise to the opinion that the elected women deputies are less qualified and less independent. The “quota women” stereotype can harm the political image of the women deputies. This phenomenon is called the “label effect” (Franceschet & Piscopo, 2008, p.395).

The opponents of quotas often say that gender quoting will result in electing less qualified women instead of more qualified men politicians. But the research results show that gender quotas do not affect negatively the quality of elected politicians. E. g. the research, that was based on the example of the 1993 municipal elections in Italy, analyzed the influence of forming the gender quota-based candidate lists on the quality of the elected politicians, demonstrated that the elected women were

more educated than men and the quotas reduced the number of low-educated men in the municipal councils (Baltrunaite, Bello, Casarico, & Profeta, 2014, Pages 62).

One of the issues discussed in the academic literature on gender quoting is concerned with the reasons for accepting gender quotas in men-dominated parliaments. The motivation of the authorities tending to the election autocracy could be the desire to improve a democratic image. According to the research data, there really exists a relationship between accepting gender quoting, enlarging women's deputation in parliament and improving the international reputation (Bush & Zetterberg, 2021).

Adoption of the gender quotas

In 2020 Georgia joined the countries where legislated candidate quotas are accepted.

Adoption of the gender quotas in Georgia has its pre-history. Legislative proposals concerning gender quotas were initiated several times (1998, 2003, 2008, 2015, 2018). In 2015 30 000 signatures of citizens were added to the women's appeal, though the political class reacted with indifference.

The legislative proposal of 2018 which was introduced by a Task Force on Women's Political Participation with the support of 118 women organizations and 30 000 signatures of citizens, envisaged compliance with the principle of alternation of candidates of different gender on the proportional lists. According to the presented proposal in case of refusing to fulfil the quota requirement, the party was not to be allowed to take part in elections; in case of early termination of a deputy's mandate, he/she was to be replaced by a candidate of the same gender on the party list. In the presented initiative the percentage threshold is high and the sanction severe since it is necessary to receive an efficient quota. This initiative, in difference from the previous ones, received more support from the political class. It passed the phase of the committee hearing, though did not receive the necessary votes at plenary session of the parliament.

In the autumn of 2020 on the initiative of the ruling party, rather surprisingly for the society and the women's organizations, the principle of obligatory gender quoting was, for the first time in Georgia, accepted at the legislative level. The principle implied the entering of at least one representative of a different sex in every four members on the election list submitted by political

subjects for the parliamentary elections, and the entering of different gender candidates in alternation on the proportional lists for the local self-government elections. But one year later certain regress was made concerning the formulation of the candidate quotas stated for the elections of local self-government. In particular, in the summer of 2021 just before the local elections, the parliament, without informing society in advance, changed urgently the statute of candidates' gender quoting and at present the principle of alternation of different gender candidates is replaced by the rule of entering in every three candidates at least one of a different gender.

Debates on the gender quotas

It should be noted that the adoption of the quoting regulation in the summer of 2020 and changing the candidates' alternation regulation in the local elections in 2021 took place against the background of the acute political crisis and within the frames of a vast package of changes of electoral legislation and thus the debates on the gender quotas were overshadowed by other issues of the political agenda.

The adoption of the obligatory gender quotas was followed by two complaints in the constitutional court. A sufficient part of the debates on gender quotas in Georgian society was conducted in parallel with the hearings of the two complaints against the quoting in the Constitutional court. Both complaints were brought in by the opposition parties: the first complaint to the constitutional court was brought in by a political party "Girchi" before the parliamentary elections of 2020, and the second was brought in by a political union "European Georgia" before the local elections in 2021.

Almost all the positions in favour and against the gender quotes that were put forward during the public discussion are given in the arguments of the complainants, defendants and the Constitutional court.

In the complaint by Girchi, the party considers the gender quota regulation to be unconstitutional and claims that acceptance of this regulation will violate both passive and electoral rights. As Girchi declares a list of candidates in their party is formed by the party partners via a digital portal and the place of a particular politician on the party list is determined as a result of voting. Acceptance of the quoting regulation implies changing the party list and forming it anew,

artificially and against the will of the partners; therefore, it restricts the active electoral right of the supporters of the political party to make a party list according to their wills. Ultimately, according to “Girchi”, attempts to artificially increase the number of women in the parliament is a clumsy interference in the political process and sets limits to people’s free will.

According to the arguments presented in Girchi’s complaint, not only an active electoral right is violated, but a passive one as well since the obligatory setting of quotas impacts the sequence of the candidates on the party list and therefore, influences their chances of getting into the parliament. Those who in case of non-existence of this dubitable regulation could get into the parliament, will fail to achieve this goal, since at least one place in every four will be occupied by a woman. According to Girchi, the idea of equalizing results is in itself fallacious and unjust as it devalues man’s merits and professionalism and hinders progressive development; the fact that the percentage of women in the Parliament of Georgia is low can be caused by a lot of other factors, among them is the fact that women are in a lesser degree interested in politics than man.

There were given more arguments against the gender quoting in the constitutional complaint submitted by a political party “European Georgia-Movement for Liberty” than in Girchi’s case. Arguments that can be united in the group of passive and active electoral rights were also put forward in this complaint and certain arguments regarding accepting the gender quoting norm as a limitation of the activity of the political party were added.

According to the complaint of “European Georgia”, the freedom of party activity implies the right to select the persons with whom it will compete other parties. The gender quoting annihilates the possibility of realizing this right since it obliges the parties to select candidates on the basis of gender. The political party’s right to participate in elections is limited as it is deprived of the right to register the party list unless the number of different gender representatives determined by the law are enrolled. The political party’s right to receive a mandate to the representative organs according to the consecutiveness of the presented party list is violated since in case of early termination of the mandate of a member of the representative organs, the mandate is to be given not to the next candidate of the party list, but to a candidate of the same gender.

Certain considerations concerning the constitutional complaints were presented by non-governmental organizations “Georgian Young Lawyers’ Association” and “International Society

for Fair Election and Democracy”. The considerations presented to the Constitutional court by the non-governmental organizations consisted of the following arguments in favour of gender quoting:

- The necessity of obligatory quoting was determined by the fact that the existing political culture made a negative impact on women's representation.
- When one part of the population especially the majority is not adequately presented in the legislative institution the democratic governance of the country is in danger. Passive electoral right can be limited to reach the goal which is in compliance with democracy and the principles of the legal state. Securing gender equality in the representative institution, that follows from the international obligations undertaken by Georgia is just such a legitimate goal.
- Enlarging women's representation in the parliament is a necessary pre-condition for working out friendly politics on women's issues. To achieve the engagement of women in political processes it is necessary to make, through the quoting, the women's representation in the elective institutions reach a certain level, the so-called critical mass.
- Concerning a range of issues women's experience differs from that of men, therefore, state politics will become more argued, correct, justified and legitimate if a group which has an immediate experience of facing particular challenges will be engaged in its forming. Gender variety creates the possibility of carrying out high-grade discussions where the representatives of both gender groups have the chance to share their unique personal experiences.
- Building the mechanisms of gender quoting will, in the long-term perspective, facilitate changing the political culture and the environment that is abundant in gender stereotypes at present.

The Constitutional Court of Georgia did not satisfy the complaints against gender quoting based on article 11/3 of the Constitution of Georgia, which stipulates that “The State shall take special measures to ensure the essential equality of men and women and to eliminate inequality”.

The Constitutional Court considered that it is a clearly declared will of the Constitution of Georgia to grant the State legitimation to carry out certain positive activities to ensure essential gender equality and annihilate the existing inequality.

In the judgement of the Constitutional Court of Georgia, the following arguments are set forth to defend the quoting norm:

- The small representation of women in the parliament is conditioned by certain circumstances existing in society and hindering women's engagement in politics. The model of obligatory quoting is a means to neutralize artificial obstacles to women's engagement in politics and not a mechanism of artificial gender equalizing.
- A small representation of women in the parliament of Georgia is not a one-off but a continuing phenomenon. Accordingly, this reality cannot be considered as simply accidental and hope that, before long, it will be changed all by itself without state interference.
- The political picture demonstrates that, in fact, the best candidates are not being elected from half of the country's population – women; it is not only unfair but at the same time is an act directed against effective governing and achieving success.
- Enlarging women's representation is of serious interest in a democratic society. It ensures more inclusive, balanced and pluralistic representation. Increasing women's participation in such an important and, at the same time, men-dominated sphere as politics has a serious positive influence and communicable effect to improve the situation in other spheres.

Outcomes of gender quotas on women's descriptive representation

The principle of gender quoting was in force at two elections – the 2020 parliament and the 2021 local self-government elections. Therefore, it is already possible to analyze a certain practice of gender quotas.

The effectiveness of the quotas will be assessed by two criteria: 1. the extent to which the goal set by the quota design was achieved; and 2. Whether there was a noticeable progress in comparison with the previous elections.

The weak point of the gender quota design accepted for the parliamentary elections is a rather low threshold for women's representation. According to the existing quota design in every four candidates on the proportional list for the parliament elections, at least one should be of a different gender. It seems that, in the result of quoting, women's representation in the

parliament should at least be 25%. Though, since the members of the parliament of Georgia are elected not only on the proportional electoral system but also on the majoritarian electoral system and since the experience of all previous elections showed that the parties practically do not nominate women as majority candidates, it was clear from the beginning that it was impossible to receive even a 25% women representation in the parliament based on the given design gender quota.

As a result of the 2020 parliamentary elections, in total 31 women were elected, among them, 30 were elected proportionally and one - on the majoritarian electoral system.

Two small parties “Alliance of Patriots of Georgia” and “Grichi” received 4 parliamentary mandates each and accordingly had one woman candidate in every four candidates; these parties took advantage of the formulation of the electoral code concerning the replacement of deputies, according to which in case of termination of the mandate of a deputy, a woman candidate should be replaced by a woman candidate next on the list, though if there were no women candidates, then it was possible to replace her by a man candidate. Irma Inashvili who was a winning candidate from “Alliance of Patriots of Georgia” and Salome Mujiri from “Grichi” made statements in writing concerning the termination of their authorities, and in addition, canceled the party lists with the exception of several men candidates, therefore it became possible to complete the vacant places by men candidates. Due to these manipulations, two women deputies were absent from the women's deputation.

It is interesting that the party list of “Alliance of Patriots of Georgia” was the only one among the parties which received mandates which had a woman as its number one. Finally, all four mandates received by this party went to men candidates.

It should be noted as well that by the 2021 local self-government elections the regulation of replacement was improved and it became impossible to carry out such manipulations. According to the new formulation, a woman can be replaced only by a woman and if there is no more woman candidate on the submitted party list, the mandate will be nullified.

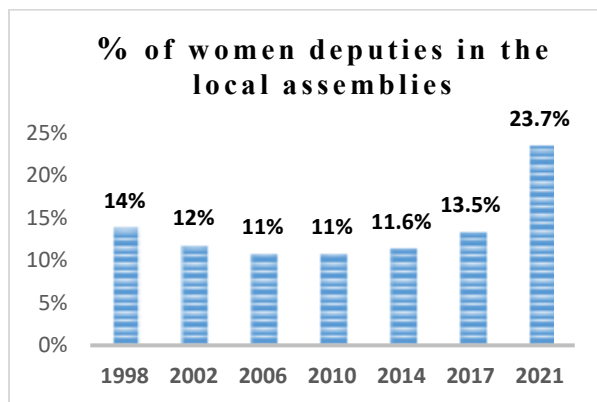
Finally, the women's representation in the 2020 parliament is 19.3% which is only 3.3% more than the result of the previous parliamentary elections (16%). Thus, due to the low threshold stated by the gender quoting, the quota was not effective in the 2020 parliamentary elections.

It did not bring about a significant and notable growth in the women representation percentage among the parliament deputies. It also should be noted that the 3.3% growth of women deputies in the situation when the gender quota was in force is less than in the previous 2016 elections when the women's representation in the parliament grew by 4.7% if compared to the 2012 parliament.

The quota regulation was more fruitful in the 2021 local self-government elections. The goal designed by the gender quoting was achieved and, in comparison to the previous elections, it was a fast track forward.

According to the gender quoting design stipulated for the local elections, one of the three persons on the party lists was to be of a different sex. Assuming that every small party could have at least 3 deputies in all local assemblies, the theoretical threshold was a maximum of 33.3%. In fact, the figure was 31.4% of women among the deputies elected on the proportional system, which is very close to the theoretical threshold. Therefore, it can be said that the goal set through the gender quoting design was fulfilled successfully. The fact that by the 2021 elections the amendment forbidding to replace women elected due to the quoting by men in cases of rejection of the mandates of deputies and removing the party lists as it happened in the 2020 parliament elections in case of two political parties, had already been in force, helped to achieve the goal set.

Due to the quota effect in the local elections, we have received sufficient progress in comparison to the previous elections regarding women's representation in the municipal assemblies. It can be said that we had a fast-track effect since the women's representation in the municipal assemblies is 23.7% which is 10.2% more than in the previous elections.



One of the reasons for the 10% leap is the fact that from the viewpoint of women's representation, the situation in the local self-government was even worse than in the parliament and the number of women in the local assemblies was only 13.5%, which was less than the women representation in the parliament. The second reason is the fact that in the local elections, the quota regulation was better and in difference to the parliament elections at least one candidate of a different sex was to be not in every four, but in every three candidates.

In the 2021 local elections 1404 members of the assemblies were elected on the proportional election system, among them are 440 women which is 31.4% of the deputies elected on the proportional system. In the elections on the majoritarian system, gender quoting was not active throughout the country and therefore only 50 women were elected to the assemblies, that is 7.5% of the deputies (total 664 deputies) elected on the majoritarian system. These results confirm once more that the majoritarian system is not favourable for the growth of the political representations of women.

Gender statistics of the 2021 local self-government elections:

(Data of the The Central Election Commission and the autors' calculations)

	Number of women deputies	Number of men deputies
Elected on the proportional system	441 (31.4%)	963 (68.6%)
Elected on the majoritarian system	50 (7.5%)	614 (92.5%)
Total	491 (23.7%)	1577 (76.3%)

Conclusion

For the next 2024 parliament elections the threshold for women's representation is left the same in the election law – i.e., one candidate of a different gender in every four candidates; the law envisages amendments only for the 2028 parliamentary elections stating a norm of enlisting one candidate of a different sex in every three candidates on the list. The positive factor is the fact that the amendment to the law which means that the elections will be held only on the proportional

electoral system will come into force at the 2024 parliamentary elections and, therefore, it will become possible to reach 25% as is designed by the quota, though it will not be a fast-track development. Therefore, it is important that the amendment obliging the parties to introduce one candidate of a different gender in every three candidates on the party lists is adopted by the 2024 parliamentary elections. Thus, it would be possible for the women's representation in the parliament of Georgia to come close to the generally recognized “critical mass” of 30%.

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