



“Moving Beyond Quotas in the EU: An Emerging Stage of Democracy”¹

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Introduction

Women’s participation in politics in the European Union (EU) has increased spectacularly over the past ten years. The proportion of women in the European Parliament jumped from 19 percent to 27 percent following the June 1994 election. Women now comprise 30 percent of the recently ‘enlarged’ parliament, elected in 2004. The number of women European Commissioners has increased from one out of 17 (in the previous Commission presided over by Jacques Delors) to seven out of 25 (in the Commission that became operational in November 2004). In the member states of the EU, an average of 24 percent women² now sit in parliament and are members of government (although with important variations between countries), as opposed to less than 14 percent³ in 1997.

These changes came about as a result of pressure by stakeholders, the sustained political will of democratic institutions and institutional engineering by executive powers. This case study first examines how from 1992, in a favourable climate, the European Commission and the European Parliament played a decisive role in promoting a debate on the political integration of women, mobilizing stakeholders around the issue, and in getting member states to commit to an integrated strategy that included ‘the introduction of suitable legislative or regulatory measures or incentives for achieving a gender balance in decision making’.⁴

In the second part it will consider the impact of the introduction to the European debate of the concept of ‘parity democracy’.⁵ As a result of the differences between member states, this led to a shift from the ‘quantitative claim’ associated with remedies like positive action and quotas to a ‘qualitative necessity’ associated with structural change and the rethinking of democracy.

Ten years later, women, on average, occupy one-third to one-quarter of elected and appointed decision-making posts in EU institutions and member states. The final section asks: to what extent has this contributed to the promotion of a ‘culture of equality’ or led to increased competition between women and men? Paradoxically, in the last European

elections, tools like quotas seemed more essential than ever just to maintain one-third of seats for women.

The Role of European Institutions in Promoting Gender Balance

'Can you imagine a world with 81% of Romeos and 19% of Juliets?' Did you know that '81% of the European Parliament has to shave in the morning?' These questions were part of a 1994 trans-party campaign in all EU member states to achieve 'balance between women and men' (during the 1994 European Parliament election). This campaign was just one of many creative actions initiated by the European Commission as part of its Third Community Action Programme for Equal Opportunities between Women and Men (1991–1995). Women's representation in the European Parliament rose by eight percent (to 27 percent): 'a positive trend, which was unexpected in a parliament with increased powers'.⁶ The result marked the start of an upward trend in women's political representation in European institutions. The representation of women in the new College of Commissioners increased from one to five in 1995.

Such progress was due to a combination of factors, including:

- the need for a flexible workforce to expand the range of services;
- the limited results of the first two Community Action Programmes in terms of fulfilling the promise of the Treaty of Rome to guarantee equal pay for women;
- the accession of Austria, Finland and Sweden to the EU in 1995; and
- the Beijing women's conference and its preparatory process.

The 'fathers of Europe' did not foresee, when negotiating the Treaty of Rome, the need to address the under-representation of women. They inserted Article 119⁷ on equal pay for equal work to avoid distortion of competition in the textile sector. Following the interpretation of this article by the European Court of Justice in the Defrenne case (1976) and a directive for equal treatment in the labour market adopted the same year, the European Commission developed a policy to promote equality between women and men in the labour market, starting with pluri-annual action programmes

The key that opened the door to action to promote the participation of women in decision-making was the Third Community Action Programme (1992-96), a natural product of efforts to create equality in the labour market. The European Commission and the European Parliament had agreed that 'an active participation of women in the decision making process could be one of the most efficient manners to reach equality between women and men and to create sustainable changes of attitude'.⁸ This was followed by a number of commitments to be met by the Commission and recommendations for member states and social partners vis-à-vis their active engagement in initiatives to raise awareness about the need to increase the participation of women in decision-making forums.

A European Network of Experts on Women in Decision-Making was created in 1992 to assist the Commission in implementing the programme. Its mandate was 'to identify the obstacles to women acceding to decision making positions and propose strategies to overcome them'. During the five years that it was in existence, the Network (made up of one national expert per member state, plus a coordinator) covered ground that hitherto had never been explored with such diligence (and resources).

The main activities developed by the Commission and the Network had three objectives.

1. To inform the debate:

- Through high-profile events (high-level conferences to agree on symbolic documents, including the Declaration of Athens in 1992, the Charter of Rome in 1996 and the Declaration of Paris in 1999).
- Through the development of strategies to raise the number of women candidates and elected representatives at the local, regional and national levels, as well as in professional organizations and in academia.
- Through the promotion of networking.
- By providing easy to use and regularly updated facts and figures on the gender gap in decision-making positions (via studies, a database, a regular 'panorama' or overview and practical handbooks).⁹

2. To mobilize actors:

- By encouraging women's associations to get involved (for instance, the 'vote for balance' campaign, the holding of the 'European Summit of Women in Power' in Athens, Greece, followed by the dissemination of postcards reciting the Athens Declaration, and the co-financing of a 'Eurobus for gender balance' in the UK, as well as of a regular newsletter, *Parité-info*, in France).
- By working with political parties (for example, offering to finance studies that had never been carried out before in the European Parliament on the status of women in political parties, helping to organize a one day session of a 'parity parliament' which brought together an equal number of political women and men in the Portuguese house of representatives).

3. To encourage governments to commit to an integrated programme.

Parity Democracy

In the EU of the early 1990s, quotas were not popular: they were disliked by men who felt excluded from their benefits, and they were disliked by most women who believed that they should be selected on merit. In public discourse, they are rarely seen as a corrective measure to redress past injustice, but, instead, quotas are perceived as a tool to discriminate against men. This was made particularly clear in the reactions to the Kalanke case¹⁰ referred to the European Court of Justice in 1995. According to the report, positive action can only be used in limited circumstances, such as to help a woman hold down a profession by providing 'facilitating measures' like training or childcare. Under no circumstances, however, should it be used to promote a woman over a man with equivalent employment qualifications.¹¹ Such negative sentiment towards quotas led the members of the European Network to seek alternative means.

The Athens Declaration

Although in 1988, the Council of Europe referred, for the first time, to the link between gender equality and democracy in an official text¹² (and commissioned a study on 'parity democracy'.), it was four years later that the EU debate on the concept of parity democracy started at the first "European Summit of Women in Power", held in Athens in November 1992. The Athens Declaration was issued at the end of the summit. Signed by 20 women leaders, it openly stated that 'equality of women and men imposed parity in the representation and the administration of Nations'.

The declaration sought to respond to the plea for representation (based on both the politics of ideas and the politics of presence). It drew attention to the waste (in terms of efficiency and fairness) generated by not making good use of women's talents and aspirations and denounced the 'democratic deficit' created by the absence of women. This declaration, which later gained international recognition, provided ammunition to those calling for gender equality in member states.¹³

Not only was it widely used by the women's movement, but members of the Network took the debate to national parliaments. It received unanimous backing in the Spanish parliament (February 1993) and in the Portuguese parliament (resolution adopted on 8 March 1993).

The five basic arguments concerning the need to have equal representation of women and men in decision-making forums—equality, democracy, good use of human resources, satisfying the needs and interests of women, and improving the policymaking process—were presented as interdependent. The declaration established common ground for a European debate, as well as for the possible adaptation of views that prevailed in each individual national context.

What it changed

The Athens Declaration marked the beginning of a process, which is recognized as having been decisive in most member states.¹⁴ It gave rise to intensive 'follow up' in Europe. After the Athens summit and during the years of the European Programme (1991–1996), the members of the European Network received an unexpectedly welcome response. Theories and forms of practice were debated by women's associations, political parties, decision-makers and politicians at the national level. They were compared and tested during national and European events and campaigns. Four years after Athens, a second summit was held in Rome, Italy, and ended with a new political declaration entitled: 'The Charter of Rome: Women for the Renewal of Politics and Society'.

These years saw the implementation of a large number of creative initiatives all over Europe. A momentum was created among interested parties. The issue entered the European mainstream in March 1996 when the Council of Ministers called on the European Commission to 'provide an opinion on how to improve the representation of women in decision making in the institutions of the EU and the member states'. A 'Recommendation for the balanced participation of women and men in decision making' was subsequently presented to the Council and adopted in December 1996.¹⁵

The text recommended that European public authorities adopt 'a comprehensive, integrated strategy to promote gender balance in decision making and develop appropriate measures (legislative, regulatory or measures to encourage) to achieve this objective'. The collection and publication of statistics, the promotion of public campaigns, exchanges of experiences and support for studies on the participation of women and men in decision-making processes were among the actions that ministers agreed could lead to a necessary change in the political culture. The actors to be involved included social partners, governments, the private sector and, of course, political parties.

In legal terms the recommendation was non-binding. Regular reports to be prepared by the European Commission, 'for the first time three years after the adoption of the text and thereafter annually, on the basis of information provided by the member states and public bodies concerned', served as a monitoring mechanism.

In June 1997, the Treaty of Amsterdam widened the European gender equality mandate. A clause called on member states to 'eliminate inequalities and promote equality between women and men in all the activities of the Union'. This official mandate on paper gave rise to a new stage of the promotion of gender equality: gender mainstreaming.

The experience gained during these few years of 'momentum' at the European level proved to be a valuable source of reference and inspiration, and led to the mobilization of women's associations and created leverage in all member states. The pressure placed on national governments by associations and parties and as a result of recommendations and resolutions adopted by the Council led to the emergence of new dynamics at the national level. In some member states this resulted in changes to electoral laws¹⁶ and

national Constitutions,¹⁷ while in others it resulted in renewed commitments and/or more efficient and firm measures to achieve a gender balance in decision-making forums.

During this period, the evolution of the debate on women's representation in the public sphere produced the new conceptual approach engendered by the introduction of the concept of parity democracy, leading to a shift in thinking on gender equality policies: from the 'quantitative claim' associated with remedies like positive action and quotas to a 'qualitative necessity' associated with structural change and the rethinking of democracy. The strength of this concept was that it did not do away with quotas—understood as a compulsory measure to boost the proportion of women in positions of power. Rather, it avoided all discussion of percentages, balanced representation between women and men being seen as essential to a fair democratic order.

Low electoral turnout, disaffection towards the political class, scepticism about the effectiveness of political parties as instruments of the political process and citizen mistrust of government, which came to the fore in Europe in the 1990s following the demise of communism, raised a number of fundamental questions concerning the nature of representation at a time when society was becoming more interactive.

Prospect of a Culture of Equality

The debates that took place on the concept of parity democracy in the 1990s had a more ambitious and far-reaching goal than just proposing a more acceptable way to pursue gender equality policies or to modify cosmetically the composition of elected assemblies. They emphasized that democracy had to be deepened in a structural way¹⁸ in order to facilitate the equal participation of women and men. Beyond the introduction of 'provisional' changes to electoral and appointment systems to ensure that women are placed in an equal position to men at all levels and in all areas of democratic institutions, the concept of parity democracy underlines that power-sharing is likely to bring about better outcomes. It is more likely to respond to the needs of a diverse citizenry.

Defining Gender Parity

As there are no existing examples of societies governed according to a gender parity principle, one has to hypothesize as to what would actually change and rely on judgement. A convergence of 'visions' emerges from questioning women with experience of high public office (see below).¹⁹

For Cristina Alberdi, Minister for Social Affairs when Spain held the presidency of the European Union in 1995, the objective of parity democracy is to 'ensure a proper balance between the interests which no men traditionally represent and those which men traditionally represent until such time as it stops making sense to draw that distinction because women and men both attach equal importance to private life and public life'. Among the changes that women should introduce at the policy level to make 'democratic institutions properly equality-conscious', she drew attention to those designed to ensure equality in the labour market, as well as to those designed to enhance community life (such as caring facilities, changes to working hours, changes to shops' opening hours and public services)—to give individuals the opportunity to balance properly their productive and reproductive roles. 'The private sphere needs proper acknowledgement and attention.'²⁰

For Mary Robinson, former President of Ireland, a 'reallocation of time that creates a better balance in the activities of men and women' is likely to be supported by more women in decision-making positions, but changes in the style of leadership would also result. 'One of the striking details which remains in my mind from the women's groups and networks I have visited is that women seem to devise instinctively structures which are open, enabling, consultative and flexible.'²¹

For Vigdis Finnbogadóttir, former President of Iceland, 'women have a slightly different collective angle on values and justice, which will enrich society as a whole'.²²

For Maria de Lourdes Pintasilgo, 'Parity democracy is not simply one aspect of equality. It goes beyond this issue by offering women and men a unique opportunity to face up to the question of identity as a key aspect of the organisation of society. It represents a newly emerging stage of democracy'.²³

For the European Union, this new approach represented a welcome challenge to renew the terms of its 'democratic contract' with women. Traditional ways of promoting gender equality had not yielded significant results: the equal pay commitment made in the name of the European Economic Community, for instance, was not met. And with the accession of Finland and Sweden to the EU in 1995 women were becoming increasingly sceptical about the benefits of EU membership: The results of the electoral consultations that took place during the 1990s in Austria, Denmark, Finland, France, Norway and Sweden confirmed the findings of opinion polls - women were unconvinced by the 'men in grey suit enterprise'. The introduction of more women to decision-making arenas as a result of commitments to gender parity made in national and European institutions was, in theory, seen as politically rewarding. In parallel, the concept of gender mainstreaming of gender equality embedded in the Treaty of Amsterdam²⁴ could be matched with the idea that women could bring a different perspective that had to be taken into account..

Conclusion

Despite the originally rejuvenating meaning of gender mainstreaming for policymaking, practice has not lived up to potential. Essentially, gender mainstreaming is either considered to be a 'useless luxury' in busy bureaucracies or it is used to do away with 'positive action'. Or it falls somewhere in-between.

As for the commitments to 'parity democracy' and 'balanced representation of women and men', one can only say that they were easily forgotten when 'conventionals' were appointed by member governments and parliaments of the wider EU to draft a new Constitutional Treaty. The representation of women record a low in this process: 17 women out of 105 members of the Convention.

Still, significant progress has been made in terms of women's representation in European institutions. Almost one-third of the members of the 2004 European Parliament are women, which has to be considered good in view of the low percentage of women in the parliaments of new member states. If progress continues to be measured in numbers however, a change of culture will be slow to come.

Already, new and potentially significant methods and tools are being developed to advance gender equality and democracy. 'Gender budgeting' is on the agenda of both the European Parliament and the European Commission²⁵ and the European Council agreed in June 2003 to create a European Gender Institute.²⁶ Following a meeting of EU ministers in May 2004 in Limerick, Ireland, the European Council asked the Commission to submit a proposal on the latter.²⁷ The agreement reached between EU ministers in Limerick notes: 'A European Gender Institute will act as a source of expertise and learning which will assist the achievement of the overall goal of a more equal European Union for all its citizens. Specific tasks that would be assigned to the Institute could include: co-ordinating and disseminating information on gender issues; providing greater visibility for gender equality; and generally developing tools to assist with the implementation of gender mainstreaming'.

Endnotes

¹ This expression is borrowed from Maria de Lourdes Pintasilgo at a conference on 'Equality and democracy: utopia or challenge', organized by the Council of Europe in February 1995. 'Parity democracy is not simply one aspect of equality. It goes beyond this issue by offering women and men a unique opportunity to face up to the question of identity as a key aspect of the organisation of society. It represents a newly emerging state of democracy'

² See Europa, 2004. "Decision-making in the Political Domain," Available online at <http://europa.eu.int/comm/employment_social/women_men_stats/measures_in41_en.htm>.

³ Data from the Inter-Parliamentary Union, 2004. "Women in National Parliaments." Available online at <<http://www.ipu.org>>.

⁴ European Council recommendation of 2 December 1996. 96/694/EC.

⁵ Developed in 1992 by Elisabeth Sliedjewsky in a study for the Council of Europe.

⁶ The Treaty of Maastricht granted the European Parliament a power to "co decide" (together with the Council of ministers) on European legislation in certain policy areas while it previously only had power over the budget. As noted in the *Annual Report* of the European Network of Experts on Women in Decision-Making', set up in 1992 to assist the Commission in implementing its Third Community Action Programme, places in a more powerful institution should have been more difficult to obtain for women.

⁷ The predecessor to Article 141 of the Treaty of Amsterdam and Article III-108 of the European Constitutional Treaty.

⁸ COM(90)449final. 6 November 1990. Equal Opportunities for Women and Men. The third medium-term community action programme. 1991-1995.

⁹ See, in particular, Leijenaar, Monique. 1997 'How to create a gender balance in decision making: A guide to implementing policies for increasing the participation of women in political decision making'. Published in all official EU languages by the Office des Publications Officielles des Communautés Européennes (OPOCE).

¹⁰ Herr Kalanke, employed by the administration of the city of Bremen (Germany) had applied for a higher position for which one of his female colleagues "with equal qualification and merit" was chosen. He went to Court as he felt that the positive action rule of the city of Bremen was discriminating against men. The reaction of the press and the memoir of the advocate general of the European Court of Justice were then rather unanimous in pleading for an interpretation that would limit positive actions to training or childcare provision to facilitate women's work.

¹¹ After much internal debate and disagreement the European Court of Justice opted to follow the advice of the Advocate General. It did not miss the opportunity, however, a year later during the Marshall case to issue further clarifications on the use of positive action, taking into account the indignation expressed by women's organizations throughout Europe. It was then recognised that as long as the decision was not "automatic", women could be given priority in cases where they could display equal merit and qualification.

¹² Declaration of the Ministers of the Council of Europe 1988.

¹³ The declaration was reproduced on posters and postcards, helping to mobilize grassroots movements around the issue of political participation.

¹⁴ See Gaspard, Françoise and Philippe Bataille. eds. 1999. 'Comment les femmes changent la politique et pourquoi les hommes résistent'. Paris: la découverte.

¹⁵ European Council recommendation of 2 December 1996. 96/694/EC.

¹⁶ Belgium (1997) and Italy (1998).

¹⁷ Portugal (1998) and France (1999).

¹⁸ The report of the high-level group of experts to the Secretary General of the Organisation for Economic Co-operation and Development (OECD) entitled "*Shaping structural change: the role of women*" (1991) made a significant contribution in this regard.

¹⁹ Council of Europe. . *Proceedings of the high level conference entitled " Equality and democracy: utopia or challenge", organised in February 1995*

²⁰ Idem.

²¹ Idem.

²² Idem.

²³ Idem.

²⁴ Article 3, paragraph 2 of the Amsterdam Treaty widened in scope the text of the European Constitutional Treaty.

²⁵ See European Parliament, 2004. "1999-2004 Session Document," Available online at <<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//NONSGML+REPORT+A5-2003-0214+0+DOC+PDF+V0//EN&L=EN&LEVEL=2&NAV=S&LSTDOC=Y>>.

²⁶ See <http://www.europarl.eu.int/meetdocs/committees/femm/20040406/en.pdf>

²⁷ The Commission adopted its proposal on 8 March 2005. This has already been extensively debated in the Council of Ministers, which is waiting for the European Parliament Report to finalise its decision to set up the Gender Institute.
http://ww.cc.cec.sq_vista/cgi