Quota Laws for Women in Politics: A New Type of State Feminism?

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More than forty countries around the world have adopted quota laws to regulate the selection or election of women to political office, while nearly thirty more have proposed or repealed quota laws in recent years. Although some of these laws appeared as early as the 1930s, most quotas prior to the 1990s were adopted voluntarily by political parties and, as such, were directed only at a single party’s selection practices. Over the last decade, however, a growing number of national legislatures have amended constitutions and electoral laws to mandate that all parties increase the percentage of women they nominate for local or national elections. These developments suggest that states have begun to identify quotas as a crucial new state-led strategy for incorporating women into public life and, by extension, for promoting women’s overall social, economic, and political status. While quotas signify a novel solution to the problem of women’s under-representation in electoral politics, they often build on existing state initiatives to improve the lives of women – like laws forbidding sex discrimination, sexual harassment, or domestic violence, or laws mandating paid parental leave or the provision of public daycare – which scholars have labeled ‘state feminism.’ Although rarely analyzed together, the similar focus of both approaches on the state as an agent of change raises the question: do quota laws constitute a new type of state feminist strategy?

Seeking to systematize research on quota laws, as well as to explore the relationship between quota laws and state feminism, I outline two types of quota laws – reserved seats and legislative quotas – and basic similarities and differences with regard to their adoption and implementation. I then survey the separate literatures on state feminism and quota laws, noting their respective actors, targets, and outcomes, and discover that each state-led strategy in fact comes in a number of distinct versions. More specifically, all investigate the origins and effects of state initiatives to improve women’s status, but each individual model involves slightly different actors, goals of reform, and political effects. Taking these various versions into account, I subsequently consider whether state feminism and quota laws constitute contradictory or complementary strategies for women’s empowerment, as state feminism advances women’s substantive representation and quota laws address women’s descriptive representation. Although I note that these two sets of projects differ fundamentally with regard to their immediate impact on the broader population of women, I find that they share a common perspective that the right to vote is not sufficient for ensuring that women and women’s issues are represented in politics. Despite important limits to state-led strategies for women’s empowerment, therefore, I argue that state feminism and quota laws are often vital partners in the struggle to achieve more comprehensive feminist policy outcomes.
Quota Laws: Reserved Seats and Legislative Quotas

The recent wave of quota laws forms part of a broader movement around the world to employ quotas to increase the number of women in elected and non-elected political assemblies (Dahlerup forthcoming; Dahlerup and Freidenvall 2005; Krook 2004a; Krook 2004b; Krook 2005). These measures encompass three categories of measures – reserved seats, party quotas, and legislative quotas – that have now been adopted or debated in more than one hundred countries worldwide. Despite reserved seats for women first appearing in the 1930s, party quotas were the most prevalent type of quotas until the 1990s. These policies aim to increase the proportion of women among individual parties’ candidates and generally mandate between 10% and 50% women. Initially, they were found in Western Europe, where they were adopted mainly over the course of the 1970s and 1980s, but they are now present in all regions of the world. As they entail reforming individual party statutes, they are usually approved at national party conventions, although they almost always originate in demands for increased representation made by women inside and outside the parties (Bruhn 2003; Christensen 1999; Tripp 2001). While some adopt and implement quotas for normative reasons related to their party ideology or beliefs about the importance of group representation (Kolinsky 1991; Opello 2002; Meier 2000), similar policies sometimes spread to other parties through the effects of electoral competition, with quota adoption by one party spurring quota adoption by other parties (Caul 2001; Kaiser 2001), as well as better quota implementation across all parties (Davidson-Schmich 2004; Meier 2004). The longer history of these measures, combined with interest in party competition as a mechanism of change (Krook 2002; Lovenduski and Norris 1993; Matland and Studlar 1996; Wängnerud 2001), has resulted in a wide comparative literature on party quotas that concludes that left-wing parties are most likely to adopt them, while centralized parties are most likely to implement them (Caul 2001; Davidson-Schmich 2004).

Research on reserved seats and legislative quotas, in contrast, focuses almost exclusively on single cases. Viewed through a broader lens, however, the growing body of work on these measures offers a range of insights into the forms these quotas take, the countries where they are found, the years that they are adopted, and the actors, strategies, and contexts that shape their adoption and implementation. Reserved seats, as their name suggests, are provisions that literally set aside seats for women in political assemblies that men are not eligible to contest. They usually involve only a very small proportion of seats – most often between 1% and 10%, but sometimes as high as 30% – and, as such, generally seek to guarantee a minimum proportion of women in
various political bodies. They are found in Africa, Asia, and the Middle East and have the longest history of all gender quota measures, with the first reserved seats being instituted in 1935 and the most recent provisions being passed in 2004. Established through constitutional amendments or presidential decrees, proposals for reserved seats are sometimes supported by women’s groups but are most often initiated and approved by almost all-male legislatures or even single male leaders in countries where women’s social and economic status is relatively low (Bih-er, Clark, and Clark 1990; Connell 1998).

Reasons for adopting reserved seats vary across national contexts, but include efforts to extend colonial rule (Tinker and Walker 1956; Jenkins 1999), gain national or international legitimacy for a new or existing regime (Goetz 1998; Howard-Merriam 1990; Meena 2003), create new political identities as part of post-conflict reconstruction (Powley 2003), build alliances with potential coalition partners (Chowdhury 2002), and strengthen the ruling party’s base in parliament (Shaheed, Zia, and Warraich 1998). Many feminists oppose these provisions, however, because they interpret them as an attempt to make electoral gains among female voters, while promoting the selection of ‘malleable’ women who will not challenge the patriarchal status quo (Goetz and Hassim 2003; Huang 2002; Kishwar 1998; Rai 1999). These concerns are borne out during the process of implementation, as reserved seats are often allocated in ways that undermine the incumbency, as well as the autonomy, of female representatives: they convert constituencies into ‘women’s districts’ for only one election cycle (Narayan et al 2000), compel women to run in super-constituencies that map onto as many as ten districts (Tripp 2000), or grant party leaders or national legislators the right to appoint women to the reserved seats in line with the proportion of votes their parties received in the most recent elections (Afzal 1999).

Although reserved seats almost always result in full implementation, therefore, their existence may create a ceiling on women’s representation, as citizens assume that seats not reserved for women are thereby reserved for men (Nanivadekar 2003), while the particular form they take may make it difficult for women to nurture individual constituencies and gain the necessary political experience to contest non-reserved seats (Balasubramanyan 1998; Tamale 2003).

Sharing certain features with party quotas and reserved seats, legislative quotas focus on the candidate stage but require that all parties nominate a certain proportion of women. They span between 5% and 50% and, with some notable exceptions, tend to be found in developing countries, especially in Latin America, and in post-conflict societies, primarily in Southeastern Europe, the Middle East, and Africa. Aside from informal regulations in some Communist
countries, these measures are the newest type of gender quota policy, appearing first only in the 1990s. They involve reforming the constitution or the electoral law – and sometimes both – and thus apply to all political parties in a given country, even those opposed to quotas. While officially approved by male-dominated legislatures, proposals for these reforms almost always spring from women’s groups inside and outside the parties, who generally learn about quotas through international organizations and transnational women’s networks and mobilize for change with women from other parties (Baldez 2004a; Htun and Jones 2002; Lokar 2003; Lubertino Beltrán 1992; Tripp 2004). Given the focus on constitutional and legal reform, prominent players also include national and international courts, who are often called upon to pass judgment on the constitutionality or legality of these provisions (Durrieu 1999; Krook 2005; Mossuz-Lavau 1998; Russell 2000).

Parliamentary elites adopt legislative quotas for a number of different reasons, ranging from concerns to extend a logic of group representation to women (Inhetveen 1999; Meier 2000), ensure women’s inclusion during the creation of new democratic institutions (Camacho Granados et al 1997; Guadagnini 1998), overcome a perceived crisis in representation (Costa Benavides 2003; Varikas 1995; Yáñez 2003), sustain an existing regime (Durrieu 1999; Schmidt 2003a), express support for women’s rights without necessarily altering existing patterns of representation (Araújo 2003; Htun and Jones 2002; Mossuz-Lavau 1998; Stevenson 2000), institutionalize procedures for candidate selection that enforce central party decisions (Baldez 2004a; Bruhn 2003), or meet recommendations made by various international and regional organizations (Krook 2004a; Lovecy 2002; Nordlund 2003; Tripp 2003). These diverse motivations partly explain the shape and impact of these quota policies, which almost invariably result in gaps between the percentage specified in the quota and the proportion of women actually elected. Other influences include the electoral system (Araújo 2003; Htun and Jones 2002; Jones and Navia 1999; Schmidt and Saunders 2004), as well as the wording (Baldez 2004b; García Quesada 2003; Htun 2002; Meier 2004), requirements (Chama 2001; Green 2003; Htun and Jones 2002; Jones 2004), sanctions (Guldvik 2003; Jones 1996; Peschard 2003), and perceived legitimacy of the quota (Guadagnini 1998; Mossuz-Lavau 1998; Russell 2000). As a consequence, some quotas achieve dramatic increases in the numbers of women elected (Dahlerup and Freidenvall 2005; Jones 2004; Krook 2005), while others register little change (Htun and Jones 2002; Murray 2004), lead to decreases (Araújo 2003; Schmidt 2003b), or are declared unconstitutional or illegal before they can ever be applied (Mossuz-Lavau 1998).
Reserved seats and legislative quotas thus target distinct points in the candidate selection
process, appear in different regions of the world, emerge at separate moments in time, and
engage divergent actors, motivations, and contexts in the course of quota reform. Despite these
dissimilarities, however, both types of gender quotas pursue legal strategies to increase the
number of women in elected office. Although they sometimes coexist with party quotas, their
rapid diffusion indicates that elites have begun to identify quota laws as a new state-led approach
for incorporating women into public life and, by extension, for promoting women’s overall
social, economic, and political status. As such, they build on existing state initiatives to improve
the lives of women that scholars describe as ‘state feminism.’ Although both approaches focus
on the state as an agent of women’s empowerment, nonetheless, one seeks to promote women
in politics and the other aims to integrate women’s concerns into public policy. To what extent
are these projects similar and, indeed, compatible? More specifically, what are the main
differences between state feminism – as it has traditionally been defined – and quota laws in
terms of their actors, targets, and outcomes? In what ways do these strategies and goals
contradict or complement one another? In light of these answers, are quota laws simply not state
feminist, or do they constitute a new form of state feminist strategy?

**State Feminism: Actors, Targets, and Outcomes**

State feminism refers in its broadest sense to attempts by state actors to improve
women’s status through public policy. As several scholars point out, however, the term ‘state
feminism’ has been employed by researchers to denote at least three distinct and even
contradictory phenomena: alliances between women in political office and women in state
bureaucracies to create a ‘women-friendly’ polity, efforts by predominantly male politicians to
bestow new rights on women to gain internal and external legitimacy for a modernizing regime,
and work by feminists inside the state apparatus to integrate gender and promote women’s
interests when devising public policy (Mazur 2002; Randall 1998; Stetson and Mazur 1995;
Threlfall 1998). The first and third types engage feminist policy-makers who design policy
beneficial to women, often with the input of autonomous women’s organizations, while the
second involves a small cadre of male elites who reform limited aspects of women’s legal status
but have little contact with independent women’s groups. Despite these differences, both
perspectives view state actors as willing and able to initiate changes in existing patterns of gender
inequality, often stemming from the recognition that state policies play a crucial role in shaping
the organization of work, relations inside the family, and various aspects of sexual and
reproductive health (Charrad 2001; Franzway, Court, and Connell 1989; Gordon 1990; Htun 2003; Orloff 1996). The possibility of distinct types of state feminism, nonetheless, suggests potentially important variations across the actors, targets, and outcomes of individual state feminist strategies, which may in turn be relevant for evaluating whether or not quota laws are indeed a form of state feminism.

The first definition of state feminism emerges from work on gender and Scandinavian welfare states, which seeks to explain women’s relatively high status in this region with reference to state policies that enable women to combine motherhood with work outside the home. According to these accounts, ‘women-friendly’ policy is the combined result of the political mobilization of women in civil society and the entry of increased numbers of women into political office and public administration. Exerting pressure from outside and inside the state apparatus, these women aim to transform the state into an instrument for improving women’s situation by granting women new social rights and taking steps to ensure their political inclusion, strategies that they view not so much as gender policies aimed at improving women’s status than as social policies intended to create greater social equality (Bergqvist and Findlay 1999; Siim 1991). Some characterize this shift in policy direction in terms of a move from a private to a public patriarchy, however, because women have as a result become increasingly dependent on the state as clients in the social system, as workers in the public sector, and as consumers of social services (Hernes 1987a; Hernes 1987b). Others point out the negative side to these policies, which they note contribute to increased gender segregation and inequality in the family and the labor market (Borchorst and Siim 2002), benefit some women but disempower others (Kantola and Dahl 2005), and keep important civil rights issues like freedom from violence against women off the political agenda (Lindvert 2002; Weldon 2002).

The second meaning of state feminism surfaces in the entirely different context of newly independent states, where modernizing – and sometimes authoritarian – regimes reform family and labor market policies to lift women’s legal and economic status. In these cases, state feminist policy is initiated mainly by male political leaders, sometimes in consultation with small groups of elite women, who approve radical new laws at the same time that they curtail the activities of autonomous women’s organizations (Kandiyoti 1991). These projects vary in their goals depending on the regime: the Soviets established equal political and economic rights for women and gave strong social support to mothers after the revolution in order to achieve the ‘socialist emancipation’ of women (Heitlinger 1979; Temkina and Zdravomyslova 2003), the Egyptian government introduced laws forbidding sex discrimination and supporting women’s participation in the labor market in the 1950s and 1960s in order to bolster its legitimacy and progressive
credentials (Hatem 1992), and numerous states passed new family, education, and employment policies following independence in order to overcome their social and economic backwardness and mark the beginning of a new era (Kandiyoti 1991; Sunder Rajan 2003). As many observers note, however, many of these laws do not challenge inequalities in the private sphere that seriously undermine women’s gains in the public realm. Moreover, in many cases social experimentation soon gives way to more conservative solutions that strengthen women’s traditional roles (Goldman 1993), or alternatively, results in the state simply relinquishing any responsibility for transforming gender relations on the grounds that the real impetus for change needs to come first from within society (Sunder Rajan 2003).

The third sense of state feminism, finally, embodies the most common usage of the term today and refers to efforts by feminists inside the state, often in specialized women’s policy machineries, to pursue social and economic policies beneficial to women. These ‘femocrats’ work in special units charged with promoting women’s rights – like offices, commissions, agencies, ministries, committees, secretaries, or advisers for the status of women – but their ranks increasingly include feminist bureaucrats in other parts of the state apparatus who seek to integrate a gender perspective in their own specialized policy fields (Chappell 2002; Franzway, Court, and Connell 1989; Goertz 2003; Stetson and Mazur 1995). Depending on the country, the creation of state bureaucracies for women – and the spread of feminist activities within other government offices – originate from some combination of demands by domestic women’s movements and pressures from international organizations to include women’s concerns in public policy-making. The first women’s bureaus were promoted by the League of Nations and the International Alliance of Women (Russell and Sawer 1999; Stetson 1995), but most current state bureaucracies diffused rapidly around the world following the United Nations World Conference on Women in 1975 through the work of the UN and transnational women’s groups (Franceschet 2003; Okeke-Ihejirika and Franceschet 2002; Stetson and Mazur 1995; Towns 2004). Their initial mandate was to advance the situation of women in education, politics, and the economy, but they were later made responsible for ‘mainstreaming’ – or considering the gendered implications of all public policy – following the UN’s Fourth World Conference on Women in 1995 (Rai 2003; True and Mintrom 2001; True 2003). Despite these common goals, many scholars and activists note important variations in the strength and status of these state agencies, whose resources are often vulnerable to changes in government and donor funding priorities (Franceschet 2004; Friedman 2000; Staudt 2003; Threlfall 1998; Waylen 2000). Others question the motives of governments that set up these offices in response to international pressure, as many are not endowed with any real power and, indeed, sometimes coexist with the
passage of laws that undermine women’s status (Afkhami and Friedl 1997; Kandiyoti 1991; Kardam and Acuner 2003; Okeke-Ihejirika and Franceschet 2002; Sunder Rajan 2003). Still others express concerns that their creation may ‘coopt’ women’s demands – or worse, promote non-feminist ends – at the same time that they reduce the mobilization power of women’s movements (Franceschet 2003; Franzway, Court, and Connell 1989; Hatem 1992; Robinson 1995; Weldon 2004).

State feminism thus takes at least three distinct forms that together engage a range of state and non-state actors; target various social, economic, and political inequalities; and result in diverse feminist and non-feminist outcomes. In terms of actors, the first account focuses on women in civil society and women in the state, the second on men in the state and some women in civil society, and the third on alliances between women in civil society and women in the state with the support of international organizations and transnational women’s groups. These distinct patterns suggest a need to widen the definition of state feminist actors, especially in light of state reconfiguration in recent years (cf. Banaszak, Beckwith, and Rucht 2003). Turning to targets, the first state feminism confers new social rights and promotes political inclusion, the second enacts new family and labor market policies but limits political activity, and the third promotes women’s rights and seeks to integrate a gender perspective into all public policy-making. These variations indicate that state feminism generally addresses women and public policy, but also touches on aspects of women’s political participation. With regard to outcomes, finally, the first type fosters greater social equality and political inclusion but results in gender segregation and lack of attention to new feminist issues, the second introduces radical changes to women’s status in the public sphere but does not shift the balance of power in the private sphere, and the third raises awareness of women’s issues and the need to mainstream public policy but also introduces limits to effective policy formulation and implementation. These dynamics highlight the ambiguities inherent in the form and content of state feminist strategies, which may reinforce state power rather than raise women’s status, especially when they involve active construction of ‘women’s interests’ with little input from average women (Bacchi 1996; Bacchi 1999; Elman 2003; Franceschet 2004). These conclusions, combined with diversity across meanings of state feminism, in turn have crucial implications for evaluating the state feminist nature of gender quota laws, which also demonstrate multiple combinations of actors, targets, and outcomes in efforts to promote women’s political representation.
Quota Laws: Actors, Targets, and Outcomes

Quota laws at the most general level are measures that amend constitutions or electoral laws to mandate that all parties increase the percentage of women they nominate for local or national elections. Reserved seats and legislative quotas, however, differ in important ways in terms of their adoption and implementation. Reserved seats are passed by single male leaders or nearly all-male legislatures, entail reform of the electoral system, and simply guarantee a minimum level of female representation. Legislative quotas, in contrast, are approved by male-dominated legislatures in response to demands by domestic women’s groups and international and transnational actors, involve reform of formal norms of equality and representation, and frequently result in fewer women elected than the figure mandated by the quota requirement. Despite these broad patterns, some reserved seats provide for a much higher level of representation or act as a springboard for increases in the number of women in non-reserved seats, while some legislative quotas lead to greater degrees of non-implementation or result in full implementation of quota provisions. These cross-type distinctions in actors and targets, combined with significant within-type variations in outcomes, point to potentially important differences among individual quota laws that may influence whether or not they are in fact a form of state feminism.

Most reserved seats emerge as male-led state initiatives to ensure the inclusion of a small number of women in political assemblies. While grassroots women’s movements, as well as international and transnational actors, have played a slightly larger role in recent years, debates over reserved seats still proceed mainly as conversations among men at the state level. Although these policies vary in terms of how they are allocated, they all revise mechanisms of election by adding new seats and specifying alternative procedures for electing women that establish special electoral rolls for female voters, designate separate districts for female candidates, or distribute women’s seats to political parties based on their proportion of the popular vote. Careful not to challenge male domination in society, or displace male aspirants or incumbents in politics, these measures typically permit only a few women access to public office, usually amounting to less than 10% of the national or lower house of parliament. In Egypt, for example, Anwar Sadat issued a presidential decree in 1979 that reserved thirty seats for women in parliament. Despite fierce opposition from conservatives, Sadat saw the increased political participation of women as a means to cultivate a more progressive image internationally and was motivated to impose
reserved seats through his wife Gihan, who had learned about such measures during a state visit to Sudan (Abou-Zeid 2003; Howard-Merriam 1990). Nevertheless, he added the thirty seats on to the existing seats to avoid taking any away from men, bringing the total number of seats in parliament to 360, thus making the proportion of women slightly more than 8%. When Sadat was assassinated two years later, the new government initially increased the number of reserved seats to thirty-one, but in light of relatively little public attention to this issue (Sullivan 1986), eventually overturned the policy in 1986, leading to a sharp decrease in the number of women in parliament. Similarly, King Abdullah of Jordan presented a royal decree in 2003 that reserved six seats for women in the lower house of parliament. Although earlier polls found that most parties and voters opposed reserved seats for women (al-Jraibi 2000), the King approved the provision following a parliamentary committee recommendation and campaigns by Queen Rania and various women’s and human rights groups. In expanding the number of seats in parliament to 110, however, he reduced the committee’s recommendation from eight to six seats and women’s demands from a 20% to a 5% quota (Husseini 2003; “Six Lower House Seats” 2003). The policy provided for women to run simultaneously for the general and the reserved seats, but as no woman defeated a man running in the same district, the six women with the highest proportion of votes overall acceded to parliament following elections in 2003. This constituted the largest number of women ever elected to the lower house of parliament, but the provision lapsed after only one election (Dahlerup 2003).

The majority of legislative quotas, in comparison, gain nearly unanimous support within male-dominated legislatures, but surface as a political concern only after sustained mobilization by domestic women’s groups inspired by international organizations and transnational women’s networks. Although the roles of women’s groups and political elites are relatively similar across countries, the international and transnational actors involved in these campaigns have grown more diverse and active over time, as an increasing number embrace the goal of gender-balanced decision-making and seek to influence domestic processes in new ways (Krook 2004b). While legislative quotas vary enormously with regard to the percentage they specify, these policies all amend formal norms of equality and representation in candidate selection to permit positive action, foster more equal results, and recognize gender as a political identity. Belying their purpose to alter existing patterns of political representation, they dictate that women make up between 10% and 50% of all candidates, but in almost all cases result in a lower proportion of women elected. In Mexico, quota demands were first voiced by female activists inside the political parties in the late 1980s (Bruhn 2003), but became a national issue in 1993, when the lower house of parliament approved a new clause in the electoral law that encouraged parties to
promote the nomination of female candidates. After returning from the UN’s Fourth World Conference on Women in 1995, women sought to transform this vague formulation into a more specific quota law. They gained a temporary article in 1996 that recommended, and a full-fledged quota law in 2002 that required, that political parties select at least 30% female candidates (Baldez 2004a; Stevenson 2000). All parties formally complied with the law in 2003, but the tendency of some parties to place women in districts where they were unlikely to be elected, combined with a clause that exempted parties that held primaries from fulfilling the quota requirements, resulted in the election of 23% women (Baldez 2004b; Peschard 2003).

International and transnational influences played a more direct role in Kosovo, where the UN Interim Administrative Mission in Kosovo (UNMIK) and the Organization for Security and Co-operation in Europe (OSCE) assumed responsibility for promoting democracy and human rights following the end of war in 1999. Replicating a provision adopted in Bosnia several months earlier, they introduced in 2000 a 30% quota for women on party lists for all local and national elections (Corrin 2001; Corrin 2002). Although the policy in Bosnia was shaped by extensive contact with local and transnational women’s groups (Lokar 2003), UNMIK did not hold any meetings in Kosovo before passing the quota regulation, provoking strong resistance among international officials and local male leaders. Opposition to the measure, however, was overcome by strong support from the OSCE and women’s groups, who worked to ensure that the quota was applied. All parties managed to find enough women to put on their lists (Lyth 2001), although the existence of open lists and the choice of some women to resign their posts to protest the policy led to the election of only 17% women in 2002 (Nordlund 2003).

Despite relatively clear differences across the two types of quota laws, both categories of measures display important variations with regard to their outcomes. Some reserved seats policies, for example, mandate much higher levels of representation, so despite their elite origins they have the potential to alter dramatically the balance of power between women and men in politics. In India, both houses of parliament approved amendments to the constitution in 1992 that decentralized authority to three tiers of local government, reserved one-third of all seats and leadership positions in these bodies for women, and set aside seats for certain under-privileged minorities according to their proportion of the population. Under the terms of both amendments, the seats and positions allocated to women were to be chosen by direct election and rotate across districts every five-year election cycle. The impact of these reforms was dramatic and immediate: after only one round of elections, more than one million women entered local government for the very first time (Mandal 2003; Tawa Lama-Rewal 2001). Although men in these councils take advantage of women’s ignorance and lower social standing
in ways that largely reinforce the existing gender and class order (Mehta 2002; Nanivadekar 2003; Ramesh and Ali 2001), reserved seats also enable women to shape local governance in ways that challenge existing inequalities (Lodhi 1999; Srivastava 2000). In Pakistan, Pervez Musharraf – a former general who assumed power in a coup in 1999 – announced a devolution plan in 2000 that set aside one-third of all seats for women. These seats were to be filled via direct elections at the union council level and indirect elections at the municipality and district levels (Bari 2001; Reyes 2002). Musharraf then presented an election package in 2002 that reserved sixty seats for women in the 342-member lower house, seventeen seats for women in the 100-member upper house, and 22% of all seats for women in the various provincial assemblies. The two main parties opposed the measures on the grounds that reserved seats would simply enable the army to send its own supporters to parliament, while women’s groups were unsatisfied with quotas of 17% to 22% when they had demanded 30% (“Musharraf Gives Nod” 2002; “Pakistani Women Demand” 2002; Reyes 2002). Nonetheless, women won thirteen general seats later that year, bringing the total proportion of women in the lower house to 22% (Krook 2005). Several of these women campaigned relentlessly for changes in women’s status (Human Rights Watch 2003; Rizvi 2002), while the National Commission on the Status of Women drew on these gains to lobby for more female legislators.

Other reserved seats policies provide a moderate level of representation, but due to various circumstances, serve not as a ceiling but as a platform for jumps in the number of women elected to non-reserved seats. In Uganda, the National Resistance Movement (NRM) introduced reserved seats for numerous groups upon coming to power in 1986, including one seat for women on the executive bodies of all local councils. Influenced by the UN’s Third World Conference on Women in 1985, women demanded greater representation, and in response, the NRM expanded the parliament in 1989 to include thirty-nine seats for women. Each electoral district was to send one woman chosen from an all-female list of candidates by a small male-dominated electoral college. In 1995, the NRM increased the number of reserved seats to match the growing number of electoral districts and reserved one-third of all local council seats for women (Tamale 2003). Although women contesting the reserved seats run in constituencies that are often ten or more times larger than those of other parliamentarians, the provisions allow women to run for office only once through the quota system, so the ostensible purpose of these larger districts is to give women the exposure and experience to run later as candidates in the general seats (Goetz and Hassim 2003; Tripp 2000). As a consequence, the numbers of women contesting reserved and general seats have steadily climbed, with women today holding twenty-one non-reserved seats, compared with eight in 1989 and thirteen in 1996.
(Tripp and Kwesiga 2002), bringing the total proportion of women in parliament to 24% in 2001 
(Inter-Parliamentary Union 2005). In a slightly less intentional way, reserved seats in Rwanda 
produced a dramatic increase in the percentage of women in the lower house of parliament. 
After the 1994 genocide, the Tutsi-dominated Rwandan Patriotic Front (RPF) came to power 
after many years of exile. Inspired by their experiences in Uganda, as well as their contacts with 
South Africa’s African National Congress, where a 30% party quota for women was adopted in 
1994 (Hassim 2002), the RPF pressed for a series of measures to guarantee women’s 
representation. As early as 2001, they created a triple-balloting system at the district level, where 
voters cast one vote each for a general ballot, a women’s ballot, and a youth ballot, thus 
guaranteeing each group one-third of all seats. Drafting the new constitution that came into 
force in 2003, they then reserved twenty-four seats for women in the eighty-member lower 
house of parliament and legislated 30% of seats for women in the upper house of parliament 
(Powley 2003). In each province and the city of Kigali, district and city councils, themselves 
composed of 30% women, were to elect two women each to the lower house. Open elections in 
each province, however, resulted in the election of fifteen additional women, raising women’s 
total share to 49% (Inter-Parliamentary Union 2003; Kanakuze 2003).

Legislative quotas demonstrate similar variations in terms of their outcomes, with 
specific policies producing greater or lesser degrees of non-implementation. Some of the most 
ineffective quotas lead to no change or even decreases in the numbers of women elected. In 
France, both houses of parliament amended the constitution in 1999 and the electoral law in 
2000 to mandate that parties nominate 50% female candidates for all elections. The new law set 
out distinct requirements for different sorts of elections, however, according to the type of 
electoral system used. For local elections held under proportional representation, the law obliged 
parties to achieve parity per group of six candidates, with three men and three women in any 
order, with rejection of the list being the penalty for non-compliance. For elections to the lower 
house of parliament governed by two-round majoritarian voting, the law required parties to 
present equal numbers of male and female candidates across all electoral districts, with no 
specification as to which districts female candidates should be placed, with a financial penalty for 
non-compliance. While all parties complied at the local level, regulations at the national level 
created distinct incentives for smaller versus larger parties: smaller parties generally respected 
parity, because they were under pressure to maximize the amount of state subsidy that they could 
claim, while larger parties did not, because they could absorb losses in state funding by recouping 
money later through winning more seats (Bird 2003; Green 2003; Remy 2002; Sineau 2002). As a 
consequence, the proportion of women in local councils jumped from 26% to 48% in 2001,
while women’s representation in the lower house of parliament barely rose from 11% to 12% in 2002 (Krook 2005). In Brazil, quotas were first debated inside the political parties as early as 1986, but proposals for national quotas appeared only in 1995, when both houses of parliament approved a 20% quota for local elections, along with a reform allowing parties to nominate 20% more candidates than seats available. Following the UN’s Fourth World Conference on Women, women’s groups stepped up their lobbying and no less than eight proposals for various types of quota laws were presented between 1995 and 1997 (Araújo 2003). In 1996, both houses of parliament established a 20% quota for state and federal elections that was raised to 25% in 1998 and 30% in 2000. At the same time, however, members of parliament passed another regulation allowing parties to present 50% more candidates than seats available. Combined, these provisions introduced a crucial escape clause regarding the process of implementation: since parties were simply required to ‘reserve’ 30% of slots for women, the possibility to nominate 150% meant that they could in practice propose a candidate list consisting entirely of men (Htun 2002). As a result, the number of women in the lower house of parliament actually decreased following adoption of the quota law, dropping from 6% in 1994 to 5% in 1998, although this figure eventually increased to 8% in 2002 (Araújo 2003; Sacchet 2003).

Other legislative quota policies, in contrast, lead to full or nearly full implementation of quota provisions. In Argentina, both houses of parliament passed a law in 1991 that specified that parties were to nominate at least 30% women in list positions where they were likely to be elected. Although quotas had been proposed as early as 1983 (Reynoso 1992), initiatives that led to the adoption of the quota law were novel in that they came with the support of women across all the major political parties (Bonder and Nari 1995). These women had learned about experiments with quotas at the UN Third World Conference on Women, as well as through contacts with women in the Spanish Socialist Party, where quotas had been adopted in 1988 (Valiente 2004), and women’s groups in Costa Rica, where a bill proposing quotas was under consideration also in 1988 (Lubertino Beltrán 1992). Confusion over what constituted an ‘electable’ position, however, led to a series of constitutional and legal debates, as well as a number of presidential decrees, over the course of the 1990s that clarified the precise requirements of the quota law, including the placement of women and the procedures for rectifying non-compliance (Chama 2001; Durrieu 1999). As these stricter interpretations took effect (Carrio 2002; Minyersky 2001), the proportion of women in the lower house of parliament increased from 6% in 1991 to 14% in 1993, 22% in 1995, 28% in 1997, 27% in 1999, and 30% in 2001. When these provisions applied to the Senate for the first time, women’s representation jumped directly from 3% in 1999 to 35% in 2001 (Krook 2005). In Costa Rica, a quota law was
discussed as early as 1988 as part of the proposed Bill on Real Equality between Women and Men, but in the final version passed in 1990, the law simply recommended that parties adopt their own measures to ensure women’s representation (Camacho Granados et al 1997; Olsen de Figueres 2002; Saint-Germain and Morgan 1991). Supporters continued to lobby for revisions to the electoral code, however, and parliament eventually adopted a 40% quota law in 1996 (García Quesada 2003). Because the law required all parties to reform their internal rules governing candidate selection, but made no formal requirements regarding women’s placement on party lists, advocates appealed to the highest electoral court to pass a judgment on the ‘spirit’ of the law. While the court rejected placement mandates in 1997, it espoused them in 1999, arguing that in order to conform to the law, parties must include 40% women in electable positions, defined as the number of seats won in the previous election. As a consequence, the proportion of women in parliament increased only from 14% in 1994 to 19% in 1998, but jumped to 35% in 2002 (Jones 2004).

Quota laws thus fall into at least six different types that collectively involve a range of state and non-state actors, target distinct procedural and normative reforms, and result in enormous variations in the number of women elected to political assemblies. With regard to actors and targets, the two broad kinds of quota laws form relatively coherent categories: reserved seats engage men in the state who undertake reforms to the electoral system, while legislative quotas involve men in the state who, under pressure from women in civil society, as well as from international organizations and transnational women’s networks, alter formal norms of equality and representation. These distinctions, however, mask crucial differences in the outcomes of specific quota laws. Most reserved seats establish only a minimum level of representation, but some provide for higher levels and others spur increases in women elected to non-reserved seats. Similarly, most legislative quotas result in fewer women elected than the quota requirement, but some lead to virtually no change or even decreases in women’s representation, while others produce nearly perfect implementation. These distinctions bring to light important differences across quota laws, which apart from being similar state-led strategies to increase women’s access to elected office, may have any number of positive and negative implications for women as a group. Juxtaposed with the varieties of state feminism, they suggest a complicated relationship between various state initiatives to improve women’s status, which in their numerous forms may be contradictory or complementary paths to women’s empowerment.
Quota Laws and State Feminism: Contradictory or Complementary?

Quota laws and state feminism each take on a number of forms, but viewed as groups, differ fundamentally from one another in that they address two distinct aspects of women’s political representation. The goal of quota laws is to increase the number of women in elected office, while the aim of state feminism is to promote women’s rights in public policy-making. As many scholars show, the descriptive and substantive representation of women do not necessarily overlap (Childs 2004; Dovi 2002), and indeed, may even undermine one another (Crowley 2004; Reingold 2000; Weldon 2002). Nonetheless, most arguments for descriptive representation imply that increased numbers of women will lead to some sort of change in policy-making outcomes (Franceschet 2004). As such, generalizations point to important contradictions between these strategies, but variations within each type reveal substantial continuities across specific quota laws and forms of state feminism. Because some of these similarities do not appear to promote feminist goals, however, these possibilities raise questions about the ‘feminist’ element of state feminism as an abstract principle. More specifically, ‘state feminism’ may refer to an empirical reality or a theoretical aspiration, or alternatively, may describe the intentions or the outcomes of purported state feminist activity. The feminist nature of any particular reform thus requires closer investigation to judge whether or not it promotes positive change in the lives of women. All the same, certain broad affinities between quota laws and state feminism suggest that in many cases they may prove to be crucial partners in the struggle to achieve feminist policy outcomes.

Treated as discrete phenomena, quota laws and state feminism embody conflicting approaches in terms of their goals and their impact on the broader population of women. Quota laws respond to the concern that women are a minority in the political arena. As such, their immediate beneficiaries are women who accede to political office as a result of quota policies. As noted above, however, reserved seats bring in only a few women and legislative quotas rarely meet the quota target. These measures thus enable male elites to appear sympathetic to women’s concerns while in fact doing little to combat social, economic, and political inequalities between women and men (Franceschet 2004; Htun and Jones 2002). Indeed, as some researchers point out, elites are often quicker to respond to calls for increased numbers of women in politics than to demands for women-friendly policy change (Russell and Sawer 1999; Young 2000). Others go one step further to argue that quotas even have a negative impact on women’s status, because quotas not only create a ceiling on the number of women in political office (Huang 2002;
Nanivadekar 2003), but also result in the election of feminist and non-feminist women (Krook 2005). In promoting women hostile to feminist concerns, quota laws may ironically subvert attempts to increase women’s substantive representation. State feminism, on the other hand, reacts to the charge that women’s issues and women’s interests receive inadequate attention in the political sphere. These policies pursue broad changes to the social and economic status of women, and thus while some women are likely to gain more than others, most women garner some benefits from these reforms. The effects of these policies, further, are rarely restricted to women, but invariably impact men as a group by shifting social norms and broader patterns of economic distribution. Consequently, women’s movements and women’s policy agencies may prove much more effective than female legislators in integrating women’s concerns into the policy-making process (Weldon 2002; cf. Dryzek 1996).

Disaggregated into sub-types, nevertheless, quota laws and state feminism demonstrate certain notable similarities with regard to the actors they engage, the targets they reform, and the outcomes they achieve. Clear affinities are present, for example, between the actors who promote reserved seats and those who implement the second type of state feminism, namely men in the state with limited input from women in civil society, and between the actors who lobby for legislative quotas and those who pursue the third type of state feminism, namely men in the state and women in civil society with the help of international organizations and transnational networks. Similarly, a certain degree of overlap exists between the aims of quota laws and the first type of state feminism, as both attempt to increase women’s political participation through various state initiatives. Finally, similar variations emerge between the outcomes of quota laws and all three type of state feminism: some measures lead to great advances in women’s rights, while others reinforce the status quo or even contribute to a decline in women’s overall situation. These patterns, however, raise serious questions about the use of the term ‘state feminism’ to describe these diverse processes and effects. Is state feminism an empirical reality, describing what happens in actual cases, or is it a theoretical aspiration, outlining what would ideally occur? Further, does the term refer to the intentions or the outcomes of ostensible state feminist activity? The first would describe deliberate feminist activism at the state level regardless of its outcomes, while the second would capture policies adopted by state actors for any reason that are ultimately feminist in their effects. Given slippage in these definitions, the feminist nature of individual quota laws – or instances of state feminism, as traditionally defined – remains open and subject to evaluations that consider case details, aspirations, intentions, and outcomes.
Despite the need to recognize diversity among quota laws and types of state feminism, these two state-led strategies still share a number of traits that make them potential partners in efforts to promote women’s empowerment. The review on state feminism concluded that actors have grown more varied in recent years, targets have mainly involved public policy but have often touched on aspects of political participation, and outcomes have always been inherently ambiguous in terms of the relative benefits to states and to women of state feminist policies. As many of the same conclusions follow from the survey on quota laws, these patterns point to the common successes and difficulties across both strategies, which achieve varying degrees of success in empowering women. They also hint, however, at the multiple meanings invested in the concept of ‘representation’ (Pitkin 1967), which tend to influence one another even as they remain analytically distinct. More specifically, quotas tackle the form aspect of representation, arguing that women must be present among policy-makers, while state feminism addresses the content aspect, claiming that women’s concerns must be articulated in public policy (Jónasdóttir 1988). As each entails a slightly different relationship between women and the public sphere, neither is sufficient for women’s interests to be adequately represented. All the same, they converge in the view that the right to vote is not enough to ensure that women and women’s issues receive political attention. Thus, while policy reforms offer a much more direct route to women’s empowerment, quota laws constitute an important resource for facilitating women’s political inclusion, and by extension for enabling change in women’s social, economic, and political condition.

Conclusions: From State Feminism to State Feminisms?

The distinct aims of quota laws and state feminism reflect two related, but separate, efforts to promote women’s political representation: the first focuses on women in elected office, while the second centers on women and public policy. Differences across these strategies, as well as variations within them, thus reveal multiple paths to feminist policy change. Because the two are nonetheless joined in their concerns to empower women social, economically, and politically, they constitute two broad types of state feminism rather than alternatives in the pursuit of state feminist ends. If integrated into a multi-faceted approach to women’s empowerment, however, experiences with both also point to the need to be skeptical regarding the ability of state-led strategies to accomplish these goals. Most notably, while traditional forms of state feminism use the resources of the state to outline and implement policies beneficial to women, they rarely engage in any critical examination of how policies affect different types of
women, and indeed, who has the political authority to speak for women as a group and the right to define what women want (Borchorst and Siim 2002; Pringle and Watson 1992). Although simply having a few more elite women in political office is unlikely to elevate concern for all groups of women (Franceschet 2004), quotas improve the chances for members of marginalized groups to make their interests known to decision-makers through their increased participation in political debates. While marked by their own shortcomings, therefore, quota laws provide a hitherto under-utilized resource for inserting new ideas and perspectives into policy-making processes.

References


Ley de Cupos.” Women and Politics 16, no. 4: 75-98.


Table 1.

<table>
<thead>
<tr>
<th>Region/ country</th>
<th>Percentage of seats reserved</th>
<th>Year</th>
<th>Current total %</th>
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<td></td>
<td></td>
</tr>
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<td>Unknown</td>
<td>11.7% (2002)</td>
</tr>
<tr>
<td>Djibouti</td>
<td>10% in national parliament</td>
<td>2002</td>
<td>10.8% (2003)</td>
</tr>
<tr>
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<td>Unknown</td>
<td>22.0% (1994)</td>
</tr>
<tr>
<td></td>
<td>30% in national parliament</td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
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<td>3% in national parliament</td>
<td>1997</td>
<td>7.1% (2002)</td>
</tr>
<tr>
<td>Rwanda</td>
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<td>2003</td>
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<td>1995</td>
<td></td>
</tr>
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<td>1996</td>
<td></td>
</tr>
<tr>
<td>Uganda</td>
<td>13% in national parliament</td>
<td>1989</td>
<td></td>
</tr>
<tr>
<td></td>
<td>14% in national parliament</td>
<td>1996</td>
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</tr>
<tr>
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</tr>
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<td></td>
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</tr>
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<td>10% in national parliament, 15 years</td>
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<td>10% in national parliament, 10 years</td>
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<tr>
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<td>4% in lower house of parliament</td>
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<tr>
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<td>7% in national parliament</td>
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<td>9% in lower house of parliament</td>
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<td>Egypt (previously)</td>
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<td>1979</td>
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</tr>
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<td></td>
<td>7% in national parliament</td>
<td>1984</td>
<td></td>
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<tr>
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<td>5% in national parliament</td>
<td>2003</td>
<td>5.5% (2003)</td>
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<tr>
<td>Morocco</td>
<td>9% in national parliament</td>
<td>2002</td>
<td>10.8% (2002)</td>
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Table 2.

<table>
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<th>Region/ country</th>
<th>Quota percentage</th>
<th>Year</th>
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</tr>
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<td></td>
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</tr>
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<td>33.7% (2001)</td>
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<tr>
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<td>2001</td>
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</tr>
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<td>1997</td>
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<tr>
<td>Brazil</td>
<td>25% in national parliament</td>
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<td>8.6% (2002)</td>
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<tr>
<td>Colombia (previously)</td>
<td>30% in both houses of parliament</td>
<td>1999</td>
<td>12.0% (2002)</td>
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<tr>
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<td>1996</td>
<td>35.1% (2002)</td>
</tr>
<tr>
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<td>1997</td>
<td>17.3% (2002)</td>
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<td>1997</td>
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<td>8.2% (2003)</td>
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<td>Unknown</td>
<td>30.8% (2001)</td>
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<td>Year</td>
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<td>------------------------------------------------------------------------------</td>
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<td></td>
<td></td>
<td>2000</td>
<td>25.0% (2003)</td>
</tr>
<tr>
<td><strong>Middle East</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Afghanistan</td>
<td>25% in lower house of parliament</td>
<td>2004</td>
<td>Unknown</td>
</tr>
<tr>
<td>Iraq (proposed)</td>
<td>25% in both houses of parliament</td>
<td>2004</td>
<td>Unknown</td>
</tr>
<tr>
<td>Tunisia (proposed)</td>
<td>10% in national parliament</td>
<td>2002</td>
<td>22.8% (2004)</td>
</tr>
<tr>
<td>Turkey (proposed)</td>
<td>20% in national parliament</td>
<td>2002</td>
<td>4.4% (2002)</td>
</tr>
<tr>
<td><strong>Africa</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Angola (previously)</td>
<td>Unknown</td>
<td>Unknown</td>
<td>15.0% (1992)</td>
</tr>
<tr>
<td>Malawi (proposed)</td>
<td>30% in national parliament</td>
<td>Unknown</td>
<td>14.0% (2004)</td>
</tr>
<tr>
<td>Namibia</td>
<td>women must be included on all lists</td>
<td>1992</td>
<td></td>
</tr>
<tr>
<td></td>
<td>strengthened provision</td>
<td>1993</td>
<td></td>
</tr>
<tr>
<td>Niger</td>
<td>25% in national parliament</td>
<td>2000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10% in national parliament</td>
<td>2002</td>
<td>12.4% (2004)</td>
</tr>
<tr>
<td>Rwanda</td>
<td>30% in upper house of parliament</td>
<td>2003</td>
<td>48.8% (2003)</td>
</tr>
<tr>
<td><strong>Australia</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Australia (proposed)</td>
<td>two lists and two members per district, one man and one woman</td>
<td>1993</td>
<td>24.7% (2004)</td>
</tr>
</tbody>
</table>

Notes

1 For details on current policies, see Global Database of Quotas for Women (2005). Details on proposed or repealed measures are available in Krook (2005).

2 In the first round of local elections in Pakistan in December 2000, social and religious leaders prevented women from becoming candidates in 20% of districts (Rizvi 2001).

3 Communist regimes have long applied informal measures to ensure the representation of women in various political bodies (Browning 1987; Nechemias 1994; Waylen 1994; Yoon 2001). Although associated with a particular party, they might also be considered legislative quotas as they are mandated centrally from the state/party apparatus.