FORMULATION, ADOPTION AND IMPLEMENTATION OF GENDER QUOTAS IN CROATIA

ABSTRACT:
During the period from 1990 to 2000 the percentage of women in the Croatian parliament did not exceed 7% - a non-surprising fact considering the patriarchal and conservative auspice of the ruling ideology. Nevertheless, the parliamentary elections in 2000 created an opportunity for an ideological and power shift which enabled the feminist movement to form various national and international alliances for endorsing its agenda. The change in the electoral system, the higher district magnitude of the two strongest parties, an advocacy campaign and the regime change explain the leap to 21.9% of parliamentary seats occupied by women in 2000. Although the path for the institutionalization of gender equality was opened from this point on, the quotas were introduced on the national level in 2008. Yet, for more than a decade the number of women stagnates around 20%. The monitoring of the affirmative policy measures detected several deficiencies in their formulation and implementation: they are unclearly defined, lacking stronger punitive actions towards violators as well as a zipper system or other reinforcing mechanisms. The situation is additionally aggravated due to the unclear and complex institutional division of responsibility for implementation, evaluation and monitoring. The presentation will elaborate in more detail on the process of adoption and formulation of gender quotas, identify the main problems in their implementation, offer possible recommendations for improvement and discuss their limits in the context of Croatia.

INTRODUCTION
The presentation focuses on specific measures, in this case gender quotas, designed to tackle the problem of unbalanced participation of women and men in political decision making. Their adoption and formulation, as well as the main problems in implementation will be observed for the period from 1990 to 2014 in Croatia. The findings and analysis builds mainly on the recently published book by Deželan, Pešut, Siročić, Fink-Hafner, Sutlović, Krašovec, Vasiljević and Velić (2013) Levelling the Playing Field: Monitoring Croatian policies to promote gender equality in politics, triangulated with the data from the public opinion survey Women in Croatian Politics (2003, 2007 and 2011), other relevant secondary literature and archive on women’s movement.

Having in mind that the transitional period from 1990 to 2000 marks an exceptionally unfavourable political and social context, the low percentages of women in institutionalised politics does not represent a particularly puzzling situation. Namely, Croatian ‘triple transition’ occurring during the 1990s is characterized by the war period (1991-1995) and the dominance of the authoritarian and nationalistic regime promoting conservative roles of women. In that context, the basic three
categories of obstacles for the participation of women in politics were at stake. They include in the first place political factors - an unconsolidated party system, semi-presidential constitutional framework and one party's monopoly (president’s party). Secondly, obstacles of societal and economic character - war period (1991-1995), low employment rates, women facing ‘triple burden’ (Tomić-Koludrović and Kunac, 2000). Thirdly, ideological and psychological obstacles including – domination of nationalistic discourse, search for the enemy within, integration of religion and ethnicity as part of the identity, promotion of the traditional role of women and family as a role model. As this segment is well covered in the literature (Leinert Novosel, 1998; Leinert Novosel, 2000; Tomić-Koludrović and Kunac, 2000) and it is marked with a low, but relatively stable proportion of women in the parliament (see Figure 1.), the greater share of this presentation is directed towards the later period.

*Figure 1. Percentages of Women in Croatian Politics (1990 - 2011)*

![Graph showing percentages of women in Croatian politics from 1990 to 2011](Source: Ostroški (2014))

Looking at the graph showing the percentages of women in Croatian politics for the period from 1990 to 2011 provided above, the sudden increase dividing this period occurred in 2000. Having in mind that this has happened eight years prior to the introduction of legally binding affirmative measures, the following questions are raised. Firstly, what has occurred prior to the elections in 2000 to explain
the sudden increase from an average of 5, 6% to 21, 9% of women in the parliament? Secondly, why does the percentage of women stagnate in spite of the adopted legally binding affirmative measures in 2008?

In order to answer these questions, the presentation discusses in the first part the process of the adaptation and formulation of gender quotas by dividing it in: a) the period prior to 2000; b) the period of intense institutionalisation of gender equality mechanisms (2000 – 2004) and; c) the period from 2004 onwards. The second part touches upon the problems in the implementation, while the third part directs attention to the limitations of the sole focus on the on politico-institutional factors when political activity of women is considered. The conclusion brings the summary of the findings and possible recommendations for the improvement.

ADOPTION AND FORMULATION OF GENDER QUOTAS

PERIOD PRIOR TO 2000

The crucial question for the period from 1990 to 2000 when quotas are considered is: who has put the issue on the agenda; who were the main actors and what were their motives when endorsing the issue? Based on an analysis of the press clip archive on the activities of the feminist and women’s movement in Croatia collected by the feminist non-governmental organizations Centre for Women War Victims – Rosa (1990–2004) and Women’s Infotheke (2002–2004) the considerable presence of the issue in public discourse can be traced to 1995. The end of the war on the Croatian territory encouraged ‘self-declared antinationalist’ feminists1 (Miškovska Kajevska, 2014) to move from the sphere of humanitarian work towards the advocacy in the public sphere. Since 1990, when for the first and last time the Women’s Parliament was organized, anti-nationalist feminists mainly eschewed the public sphere as a sign of protests and disagreement with the government and the president in power (Irvine, 2012). The first Ad hoc Women’s Coalition gathering 13 women’s and feminist organizations was formed prior to 1995 parliamentary elections. In the ‘Women’s Election Platform’, representatives of the Ad hoc Women’s Coalition publically demanded quotas for women in political parties and on candidacy lists as well as balanced participation in any given institution at all levels of government (Deželan et al., 2013: 36). The coalition repeated this demand once again prior to local elections in 1997. Finally, in 1999 women’s groups joined forces with the broader coalition of non-governmental organizations, civil society initiatives and individual citizens, known as Voice ’99, to mobilize the vote for political change. As the Ad hoc Women’s Coalition was part of the

1 Positioning towards the war, nation-state, and discourse on war rape divided the feminist scene according the ‘gender-based’ vs. ‘ethnicity dependent’ axis on the ‘so-called nationalist’ and ‘self-declared antinationalist’ factions at the beginning of the 1990s (detailed in Miškovska Kajevska, 2014). The latter maintained the cooperation with the Serbian feminists and took part in the broader pacifist networks such as Anti-War Campaign of Croatia.
broader campaign of social and political resistance, feminist activists demanding quotas and raising awareness on the low percentages of women in politics were well covered in the media. Additionally, seminars and workshop for women in politics have been organized by women’s and feminist organizations. This type of activities points out to the alliance between feminists from civil society with the women politicians active in women’s sections of political parties. Hence, in the period before 2000 awareness of the non-democratic character of the low percentage of women in politics was publicly raised due to the activities of the feminist activists and women’s non-governmental organizations. As a part of the solutions, affirmative measures in form of gender quotas were proposed. The window of opportunity opened prior to elections in 2000, when feminists could count on the support from centre-left opposition parties, especially women politicians, because of presenting a part of the broader coalition advocating the change of the 10 years rule of the right-wing Croatian Democratic Union (HDZ).

Nonetheless, the atmosphere encouraging the candidacy of women on party lists was only partly responsible for an increase from 7.1% (in 1995) to 21.9% (in 2000) of women occupying parliamentary seats. Namely, the parliamentary elections in 2000 introduced for the first time the proportional system with high district magnitude (10 electoral districts) and closed party lists (Deželan et al., 2013: 14-15), substituting majority (1990) and mixed-member (1992 and 1995) electoral systems. The consensus on the literature on women in politics considering proportional systems the optimal solution for a fairer representation proved to be in this case a crucial political factor enabling this leap. Furthermore, as the left-centre spectrum of political parties presents an option more inclined gender sensitive politics as evident for instance in the strength of their women’s sections and public alliance of women politicians with feminist organisations, their candidacy lists included more women. As they won the majority of votes, this was mirrored in the parliamentary seats.


With the new government the process of the institutionalisation of gender equality, that has shyly begun in the mid-1990s, intensified in the early years of the 2000s (see Figure 2.). Deželan et al. (2013: 20) interpret this as a result of a threefold process: a) obligations of Croatia as an EU candidate country; b) pressures and advocacy coming from women’s groups in the civil society; c) social democrats winning the elections. Consequently, the openness of the government towards the processes of EU integration implied the adoption of the EU legislature promoting gender equality and transparency of the policy-making process. The latter was evident in the inclusion of representatives from the non-governmental and union sector, as well as of experts from the legal and political science faculties when the working group creating the draft of the first law on gender equality was
formed (Deželan et al., 2013; Kesić 2007). The proposal for the introduction of legally binding gender quota balancing political representation was pushed by the representatives of the non-governmental organizations and was supported by the experts. Nonetheless, the final version of the law ‘recommended’ and ‘encouraged’ political parties to introduce the special measures bearing in mind the necessity of the ‘balanced participation’ of women and men in political decision making without defining any of these terms or the body responsible for monitoring and evaluation of the compliance with the law. Needless to add, punitive sanctions in case of the violation were equally not specified.

Figure 2. Timeline presenting institutionalisation of the crucial gender equality mechanisms

**Period from 2004 onwards**

As the Act on Gender Equality from 2003 needed to be revised to the procedural oversights during adoption, the new one was created in 2008. The working groups creating it, gathered besides the representatives of the several relevant ministries, the representatives of civil society organizations and legal experts. Similar to the situation in 2003, gender quotas were advocated by the representatives of the women’s organizations and were backed up by the legal experts. Although these proposal were not accepted to the full extend by the Ministry of Veterans, Family Affairs and Inter-generational Solidarity, the final version of the Act on Gender Equality (2008) represented the first attempt to introduce the legally binding gender neutral type of quota for political parties. The exact formulation of the two relevant articles is:

**Article 12**
(3) One sex is substantially underrepresented within the meaning of paragraph 2 of this Article if it accounts for less than 40 % of representatives in political and public decision-making bodies.

**Article 15**
(2) With a view to implementing paragraph 1 of this Article, political parties and other entities authorised to submit election lists shall introduce specific measures to prevent a substantial imbalance in the representation of men and women on the lists for the election of representatives to the Croatian Parliament, members to be elected to the representative bodies of units of local or
regional self-government and for members of the European Parliament in accordance with Article 12 paragraph 3 of this Act. Pursuant to Article 12 paragraph 1 of this Act, \textit{gradual increase in the percentage of the underrepresented sex shall be achieved not later than in the course of the implementation of the third regular elections to follow after the entry into force of this Act.}

The bolded part of the formulation reveals a part of the problem – unclear definition of the time period when the sanctions should be implemented i.e. to which types of election cycle refers the formulation ‘third regular elections’? The current Prime Minister Zoran Milanović announced in 2012 the official interpretation reading the controversial formulation as the separate election cycles thereby postponing the implementation of sanctions earliest until 2017. Furthermore, even though the financial sanctions are listed in the Act, an institution implementing it is not being defined. Equally missing are two measures that were strongly encouraged in the draft phase of the Act by the representatives of women’s and feminist organizations including an obligation to list candidates according to the zipper principle and rejection of the lists that do not respect the principle of the balanced participation by the State Electoral Commission. Deželan et al. (2013) titled this as the error in principle referring to the formulation and adoption of unambitious measures which together with the error in implementation accounts for the ineffectiveness of affirmative measures in the Croatian context.

\textbf{IMPLEMENTATION PROBLEMS}

As the Act on Gender Equality from 2003 announced, the establishment of the Government’s Office for Gender Equality (2004) and of the office of Ombudsperson for Gender Equality followed a year after. These institutions, together with the Coordinators for Gender Equality and County Commissions for Gender Equality make a complicated institutional network for the implementation of gender equality. The complexity of the framework is evident in overlapping responsibilities, unclear division of monitoring and sanctioning tasks and number of the actors involved implying a high degree of coordination (see Figure 3.).

\textit{Figure 3. Institutional Framework Regulating Gender Equality}
LIMITATIONS IN THE CROATIAN CONTEXT

As Deželan et al. (2013) detected, a problem deteriorating the implementation of measures for gender equality presents additionally the lack of resources of the key institutions for fulfilling the expected obligations and in terms of gender equality often uneducated staff on the county and local level. In this context, it is important to emphasize that the role of at least two types of organizations needs to be considered. These are in the first place political parties*, as the recruiting points of women politicians that are often characterised by non-democratic constellations and practices (see Šinko, 2006). Secondly, feminist organisations and other organisation of civil society** fulfil the tasks of research, monitoring and organizations of raising awareness campaigns (see Broz, 2013) (see Figure 3.).

Besides the politico-institutional factors and related inefficiencies, the survey on citizens’ perception of the female political participation pointed out another crucial aspect in this respect. Comparative analyses of the public opinion surveys titled Women in Croatian Politics (available in Kašić and Šinko, 2004; Šinko, 2008; Siročić and Sutlović, 2013) that were conducted by the Centre for Women Studies.

Source: Government’s Office for Gender Equality (2014)
prior to elections in 2003, 2007 and 2011 revealed that citizens in all three cycles predominantly considered the number of women in Croatian parliament unsatisfying. However, when asked what they consider to be the biggest obstacles for women engaging in politics, citizens responded in all three cycles with 35,0% (2003), 2007 (39,8% ) and 33,3% (2011) to be the ‘double burden’. As the two following types of obstacles identified as relevant, citizens recognized ‘prejudices’ 25,9%, 26,9% and 23,1%, respectively and ‘patriarchal attitudes in the society in general’ 27,8%, 30,8% and 24,5% respectively. This has once again sent a warning that an analysis of the political participation needs to leave room for the intersection of the economic and gender inequality. This implies the necessity to analyse the broader social and economic context enabling, on the one hand, financial resources for maintenance of the institutional framework for gender equality, and on the other hand, time and resources of the individuals for political activity.

CONCLUSION AND RECOMMENDATIONS FOR IMPROVEMENT
Based on this short overview of the history of the formulation of quotas and the identified problems in the current context regarding their implementation, it is possible to agree with the diagnosis offered by Deželan et al. (2013). The problem lies in the ill-defined formulation of affirmative measures and their unambitious character as well as in the complex and under-financed institutional framework for the implementation of gender equality. As the results of the public options survey on women in politics rightfully warn, besides these politico-institutional factors, one needs not to forget the accompanying measures of social politics and employment as preconditions enabling women with the time and resources for political engagement.

On the basis of the conclusions provided, a list of following recommendations can be offered:

1. An enhanced and precise definition of gender quotas – suspension of candidacy lists violating the principle of balanced participation and an upgrade of affirmative measures according to the zipper principle.
2. Further specialization and enhanced capacity of institutions in charge for gender equality – precise division of tasks, systematic monitoring, improved financial and human resources capacities of the bodies in question, education of the staff on the local and county level.
3. General advocacy of the institutional and other changes fostering greater degree of intra-party democracy.
4. Integral policy approach to the question of gender equality in politics – involving the analysis of the broader context of social and economic policies enabling women for political activity.
LITERATURE: