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Sara Lindsay Walsh

Skidmore College, swalsh@skidmore.edu

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Quota or No Quota

The Effect of Gender Quotas on Women's Ability to Provide Substantive Representation

An Honors Thesis

Submitted to the Department of Political Science

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By

Lindsay Walsh

Advisor: Kate Graney

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Abstract

The primary goal of this thesis is to determine the effect of gender quotas in national legislatures on the ability of female legislators to provide substantive representation. The secondary goal of this thesis is to determine which kinds of gender quotas are conducive toward strengthening overall democracies. This study will determine whether any and which kinds of gender quotas allow women parliamentarians to provide substantive representation by measuring the legislation enacted to address women's issues (namely domestic violence legislation, reproductive rights legislation). This study draws from an accumulation of primary and secondary sources to examine whether parliaments successfully enact legislation to address women's issues. Through an analysis of qualitative and quantitative data, this thesis determines which gender quota systems are most conducive to substantive representation and which quota systems provide the best results in terms of strengthening democratic systems. I find based on this qualitative data that there is no causation between gender quota implementation and policy outputs that reflect the interests of women. I further find that parliaments are able to pass legislation to address women's issues, but that legislation is rarely well-implemented because of institutional gender biases and patriarchal systems. Thus, I find that gender quotas of any type do not appear to strengthen democracies – nor do they improve overall gender development. I conclude that gender quotas are a short-term solution that fails to fix a problem (pervasive patriarchal political and social systems) that require larger-scale and longer-term systemic and societal changes.

Background

“Women have been prevented from using the political process to affect change in their lives and the lives of their societies” (Boneparth 1981,4).

“Quotas are a double-edged sword. On the one hand, they oblige men to think about including women in decision-making, since men must create spaces for women. On the other hand, since it is men who are opening up these spaces, they will seek out women who they will be able to manage – women who will more easily accept the hegemony of men.” – Anna Balletbo, former MP, Spain (Ballington and Karam 2005, 149)

Women are consistently underrepresented in formal politics, particularly in national legislatures. Female political participation is usually limited to informal politics (i.e. grassroots movements, local activism, protesting, back-alley negotiations with politicians) (Jalalzai 2009, 29). Most women take the “outsider” approach to participating in politics – they influence policy by joining social movements or working for nongovernmental organizations rather than running for office (30). Unfortunately, outsider political activities are rarely recognized by political scientists. Women’s political participation is thus severely and systematically underestimated (30). Women’s political participation is not actually less than men’s – they are simply forced to participate in an informal setting. The problem of women’s under-participation in formal politics is one of actual under-participation *and* perception of that under-participation.

A potential solution to this issue is to implement parliamentary gender quotas, or policies requiring the selection of female candidates to political office. Many developing countries implemented electoral gender quotas in the aftermath of the 1995 UN Conference on Women held in Beijing (Chen 2010, 13). The Beijing Conference initiated pressure from the international community for states to implement gender quotas in order to “recruit women into political positions and to ensure that women are not isolated in political life” (13). The core idea behind gender quotas is that women tend to have systematically different priorities for household spending and are more likely to prioritize issues such as domestic violence and reproductive rights. Incorporating women’s concerns in decision-making would, thereby, improve and equalize the public sphere. The assumption behind gender quota implementation is

that women’s representation would increase men’s attention to “policies concerning women and children” (13). Gender quotas are meant to ensure that women constitute a certain percentage of parliamentary seats because their influence on policy should increase if they occupy an increased number of seats in their national legislature. Using this reasoning, increased political representation should result in increased attention on “women’s issues” in parliament and initiate policy change (14).

While increasing attention on women’s issues is often the publicly stated purpose for implementing gender quotas, most politicians have other incentives for implementation. The most cited reasons for implementing gender quotas are “women’s mobilization, strategic incentives of political elites, consistency with existing political norms and international norms and transnational sharing” (Krook, Lovenduski, Squires 2009, 782). Pressure from the international community plays a large role gender quota implementation:

“Promoting gender equality...through gender quotas has become a key part of international democracy promotion. The international legitimacy of gender quotas leads them to be adopted...directly, through post-conflict peace operations, and indirectly, by encouraging countries, especially those that depend on foreign aid, to signal their commitment to democracy by adopting quotas” (Bush 2011, 103)

Gender Quota Definition	Purpose	Most cited reasons for implementing
Policies requiring the selection of female candidates to political office.	<ul style="list-style-type: none"> • Increase attention on “women’s issues” <ul style="list-style-type: none"> ○ Initiate policy change • Recruit women into formal politics (un-isolate them from outsider status) • Ensure that women constitute a certain percentage (have a strong enough voice) 	<ul style="list-style-type: none"> • Women’s mobilization • Strategic incentives for political elites • Consistency existing political/int’l. norms • Transnational sharing

Figure 1: Gender Quotas

Philosophical/Ideological Reasons for Implementing Gender Quotas

The main philosophical and ideological reason for implementing quotas is to strengthen democratic systems. According to political scientists, gender quotas theoretically increase both

descriptive representation, or the “extent to which a representative resembles those being represented,” and substantive representation, the “actions taken in the interest of (as an agent of) the represented” (Pitkin 1967). Gender quotas are thought to increase descriptive representation because they allow women to represent women. This theory is based on the idea that women share common interests and certain experiences. Thus, they exhibit an accuracy of resemblance (Pitkin 1967). At the same time, gender quotas are thought to improve substantive representation because women MPs supposedly produce policy preferences that serve the best interests of women (Pitkin 1967). This means that female representatives will advance the policy outcomes to serve the best interests of their female constituents. Gender quotas today are implemented under the assumption that they will increase descriptive *and* substantive representation. The reasoning for their implementation rests on the assumption that descriptive representation will always lead to substantive representation.



Figure 2: Gender Quotas and Representation (Pitkin 1967)

I argue that the philosophical and ideological reasoning for implementing gender quotas is flawed because traditional concepts of representation do not apply to *women's* representation. The theory that gender quotas will increase descriptive representation is flawed because it *assumes* an accuracy of resemblance – that women parliamentarians automatically have common interests and share certain experiences. This disregards the fact that women have vastly different experiences and interests

(Grey 2006, 493). Thus, women MPs cannot represent the interests of *all* women, nor should they be expected to. It should not be assumed that women always prioritize policy issues differently than men because parliament is a masculine domain in which female parliamentarians must prove they are just like male politicians and just as competent (493). Therefore, women will not always advocate for “women’s interests” in parliament.

Arguments For and Against Gender Quota Implementation

There are arguments for and against implementing gender quotas. The international community and the UN encourage states to implement gender quotas because they tend to increase the percentage of female MPs and signal “a major shift in approach from previous patterns of political incorporation, which did not recognize – and, indeed, often explicitly rejected – ‘women’ as a category deserving political representation.” (Krook 2009, 4). Gender quotas are “an important tool in facilitating [women’s] access to political decision-making” (Meier and Lombardo 2013, 47). They are “perhaps the single most important mechanism affecting women’s representation.” (Thames and Williams 2013).

The arguments against implementing gender quotas are strong. One of the most persuasive arguments against gender quotas is that they are “based on [an] idea that voters can’t be trusted” (Tuffy 2011). They “bypass the voter’s right to decide and impose a conclusion on him or her” (Tuffy 2011). What’s more, implementing gender quotas often harms and discredits social movements to improve gender equality. They are “imposed at the expense of grassroots participation in political parties by women and men.” (Tuffy 2011). Gender quota laws also “strengthen highly centralized, undemocratic processes of candidate nomination” (Baldez 2006, 106). They tend to give party leaders more control over candidate selection because most quota systems place the responsibility of choosing women candidates on parties (Tuffy 2011). They introduce females to the political arena but make them play according to old rules (Baldez 2006, 106). Furthermore, gender quotas only disincentivize and make it more difficult for political parties to reform their internal structure (106). Gender quotas “come at the

expense of deeper reforms” (106). They introduce women into the political arena, but the dynamics of the political process remains the same” (106).

Others such as Grey argue that gender quotas are harmful because they are centered around the idea that women in a legislature must reach a “critical mass” in order to influence policy (Grey 2006, 492). This threshold is based on the “politics of presence” debate that sees women politicians not only as ‘standing as’ women but also ‘acting for’ women as a group once elected (493). The critical mass threshold is based “not on a belief in an essential link between sex and representation but on the way in which women experience the world and how this affects their actions if elected as political representatives” (493). This argument is flawed because women cannot be expected to act as political representatives for all women. Female MPs do not always represent women in political debates and decision making because female MPs are constantly stuck between proving they are just like male politicians and proving that they will advocate for women while in office. Therefore, female representatives are constantly juggling two conflicting expectations (493).

Substantive representation for women is further complicated because no two women are the same. It is impossible for female MPs to represent women’s interests because “women are by no means a coherent group and every female legislator [has] cross-cutting identity characteristics that affect her worldviews” (493). Therefore, the numerical strength of women MPs does not necessarily enable them to represent the best interests of women (493). In fact, intersectionality scholarship warns that “any legislation targeting ‘women’ may not effectively aid minority women” (493). It is likely that gender quotas only benefit highly educated, wealthy women from dominant racial and ethnic groups (493).

The heart of the matter here is that gender quotas are only designed to increase descriptive representation – the “numeric similarity between legislative bodies and the electorate they represent in terms of gender, race, ethnicity, or other demographic characteristics” (Hughes 2011, 605). Aimed at improving women’s descriptive representation, gender quotas do not necessarily provide substantive

representation. One explanation for this failure is that women parliamentarians are prevented from providing substantive representation in national legislatures because parliament is a masculine domain in which women are forced to accept the political agendas of dominant male members, regardless of their numbers (Jalalzai 29). Female MPs are elected to national legislatures with the expectation that they will act on behalf of women's interests, but this stereotyping only backfires. The few women that *are* active in formal politics, especially through membership in national legislatures, rarely act on behalf of women's interests. Women MPs seldom offer substantive representation but instead offer the token presence of women. It is difficult for female representatives to provide substantive representation in parliament because parliamentary systems operate within fundamentally and deeply patriarchal societies. Entrenched patriarchal norms weaken democracy and weaken the quality of representation that women receive, even in the presence of quotas.

Literature Review

Scholars identify three overarching different kinds of gender quotas: voluntary party quotas, compulsory party quotas, and reserved seats. Voluntary party quotas allow parties to decide whether to reserve a portion of their slate for women candidates. Compulsory party quotas are policies codified into law that all parties must reserve a portion of their slate for women. Reserved seats are policies that reserve a certain number of seats for women in parliament.

Voluntary party quotas are a strong gender quota system because they create a form of contagion amongst political parties. When voluntary party quotas are implemented, they prompt other parties to adopt gender quotas – creating a form of contagion (Thames and Williams 2013, 77). Parties take the initiative to implement gender quotas in order to demonstrate their ideological commitment to gender quality and fairness (77). Therefore, voluntary party quotas develop a reputational imperative for parties to implement quotas for women. As parties begin putting female candidates forward and implementing quotas, other parties become “increasingly likely to follow suit” (Thames and Williams 2013, 7). The

problem that scholars identify with voluntary party quotas is that parties are *pressured* into choosing women candidates. Electoral trends suggest that political parties using voluntary party quotas often “seek to mitigate the impact of quotas, from passive refusal to enforce quotas to more active measures to subvert their intended effects” (Jalalzai and Krook, “Beyond Hillary and Benazir,” 16). Many parties “pay lip service to the idea of gender parity in governance, including language in party platforms about the importance of women’s leadership and making verbal commitments to recruit women as candidates, but do little more than that” (Hawkesworth 2012, 198). Very few parties provide training opportunities for women or help to finance women’s financial campaigns (198).

Compulsory party quotas are different from voluntary party quotas in that they mandate all parties to reserve a portion of their slate for women by law. These gender quota systems are effective because they guarantee the presence of women in the legislature, they don’t rely on parties to choose women candidates, and they don’t give party leaders as much control over candidate selection (Thames and Williams 2013, 101). However, compulsory party quotas usually contain loopholes that political parties use to prevent women candidates from winning parliamentary elections. Scholars find that under compulsory party quotas, “political parties consistently [nominate] women for unwinnable seats” (Hawkesworth 2012, 202). The greater issue with compulsory party quotas is that women MPs owe their loyalties to the parties that appoint them, not to their female constituents (199). Whether compulsory party quotas are effective or not depends on the sanctions the state places on political parties that fail to implement them. Scholars find that “the greater the costs of noncompliance with quotas, the greater the quota’s impact on the number of women in office” (Thames and Williams 2013, 8). The availability of sanctions for noncompliance with quotas is important because the real motivation for creating a target for women’s presence may be not to increase the number of women within the institution but instead to gain an electoral advantage for the party without any real intention of compliance.

Reserved seats are perhaps the strictest gender quota system because they are constitutional mandates that reserve a certain number of seats for women. Reserved seats are effective because they affirm women's participation in the legislative process, guarantee the presence of women in the legislature, and have a broader impact on women's representation because of their broader scope (Thames and Williams 2013, 101). The problem with reserved seats is that they potentially make it more difficult for women to provide substantive representation. Women MPs holding reserved seats are "often marginalized and not viewed as credible politicians because of their appointed status" (Hawkesworth 2012, 199). Scholars argue that, when women are appointed to reserved seats, they also do not owe their loyalties to their constituents (199). As an example, Rwandan female MPs normally put their individual interests (i.e. staying in their positions) *ahead* of the interests of average Rwandan women (Burnet 2011, 314). Reserved seats "generate [unfair] mandates for women candidates to represent women's interests, while also reinforcing negative stereotypes about women's capabilities as politicians" (Thames and Williams 2013, 103). Not only are these stereotypes circulated, but the goal to represent women's interests also backfires. Women's representation under reserved seats turns out not to be substantive (representative of women's interests) at all. It only undermines the reputation of female legislators and reinforces a perception that women MPs did not earn their seats through merit.

Overall, the main problems that scholars identify with all three kinds of gender quotas are that they cause female representatives to lose credibility, reinforce negative stereotypes about women's capabilities as politicians, and create an environment in which women owe their loyalties to the parties that appoint them instead of to the women whose interests they are ostensibly there to represent.

Literature on Women's Representation

Previous works on women's representation tend to focus on the *numerical quantity* of female representation. There are plenty of studies that identify factors contributing to the *number* of women elected to political office. Factors that theoretically increase the quantity of women's representation

include (1) the electoral system used, (2) Women's participation in the labor force, and (3) political culture (Thames and Williams 2013, 4-6). However, these factors contributing to the number of women MPs are thoroughly critiqued. Not all literature supports the finding that electoral systems affect the number of women elected to national legislatures (21). Most literature asserts that closed-list, proportional representation electoral systems with a high district magnitude result in more women elected to office while open-list, single-member systems with low district magnitudes result in low numbers of women MPs (21). However, other comparative studies "find no relationship between electoral systems and women's representation" (Inglehart and Norris 2003, 109).

Another contributing factor to the quantity of women representatives is female participation in the labor force. Here, political scientists assert that working women have more resources to organize, more credibility as active participants in the formal economy, are more likely to become aware of their political interests and are more politically involved (Thames and Williams 2013, 20). Thus, high levels of women in the labor force result in high levels of women elected to national legislatures.

The third contributing factor influencing the number of women MPs is political culture. Here, scholars argue that countries elect more women to the national legislature if they place a high value on gender equality (Thames and Williams 2013, 5). If a country experiences a cultural shift in support of women's representation, it will likely elect a greater percentage of women MPs. This argument is not easily measured for legitimacy, however, and as a result it is not the strongest argument to explain the quantity of women's representation. Popular support for women's representation has been measured in many different ways, including "surveys on support for female executives and measures of the number of years since the first female was elected to office" (5). These measurements are strong proxy variables. However, they do not fully encompass a country's political culture. "Political culture" is too broad and ambiguous to measure. It is therefore difficult to determine whether a change in political culture definitely affects the number of women MPs.

The pattern present in literature on women's representation is that there is substantial literature explaining the *quantity* of women elected to congress, but a limited amount of research on the *quality* of women's representation. This thesis will expand on existing literature by examining the quality of representation in parliaments that have implemented gender quotas; specifically, it seeks to evaluate the *substantiveness* of representation provided by female parliamentarians, by using both qualitative data (on domestic violence legislation) and quantitative data (on the development of both gender equality and overall democratic development).

Existant Literature on Gender Quotas

Most research on gender quotas is limited because it tends to focus on women's representation in institutions of a specific country or region, or participation in a single institution across multiple countries (Thames and Williams 2013, 3). Studies on women's political participation and social movements tend to focus on *discrete* examples (3). They are specific to women's participation in one region or in one political institution. Therefore, it is difficult for political scientists to compare gender quota systems or determine which system is most effective because studies on the effects of quota implementation are few and far between. Political science knows a great deal about women's political participation in regions of Europe and Latin America, but we cannot explain how those models of representation extend to other regions of the world (3). The research on women's political participation is so sparse that our understanding of gender quota systems is incomplete. Most gender quota and electoral studies "are largely Eurocentric" (Tan 2016, 314). This means that political scientists do not have a complete array of research to draw from in order to make conclusions about the effectiveness of different kinds of gender quotas. They must conduct original research in order to reach this conclusion.

This thesis will expand on existing literature in two different ways. First and foremost, it will draw from multiple countries/regions rather than drawing from one single region. It will draw from cases that are well dispersed and exhibit a wide range of different gender quota systems. Second, this

thesis will expand existing literature by analyzing the effects of gender quotas in both a specific legislative realm (domestic violence) and on overall levels of GDI and HDI development.

Research Questions

Do all kinds of gender quotas allow women MPs to provide substantive representation?

If not, which gender quotas are most conducive to substantive representation? Why?

Which system of gender quotas (if any) provides the best results in terms of substantive representation (and overall benefit)?

Methodology

This study will accomplish two main research objectives. It will (1) determine whether women's representation is *substantive* in parliaments that have implemented quotas, and (2) Measure the success of different kinds of gender quotas in terms of improving gender development and strengthening democracies. There is not a unit of measurement that captures the meaning of substantive representation, nor is there a unit of measurement for gender quota success. Therefore, the research data in this thesis will be collected using proxy variables.

Objective 1: Determine whether women's representation is substantive

This thesis will measure substantive representation by analyzing quantitative and qualitative data on parliamentary systems. To determine whether women's representation is substantive, this study will examine legislation pertaining to "women's issues" for each case before and after quota implementation. Legislation pertaining to "women's issues" is a vast category with subjective and undefined limits. Therefore, for the purposes of this thesis, I will examine legislation passed to address domestic violence and violence against women. For each case I will determine the quantity of domestic violence legislation passed, examine the specific provisions included in that legislation, determine how the legislation is implemented, and determine how effective the legislation is in addressing the individual problems

pertaining to domestic violence that it was passed to resolve. I will examine primary and secondary sources to achieve this objective.

Objective 2: Measure the success of different kinds of gender quotas

This thesis will measure the success of gender quotas by measuring the Gender Development Index (GDI) and Human Development Index (HDI) of given countries before and after implementing quotas, using GDI as a proxy of overall gender development, and HDI as a proxy of overall democratic development. The United Nations GDI is the ratio of female to male Human Development Index values. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: health, education, and standard of living. The health dimension is assessed by life expectancy at birth. The education dimension is measured by mean of years of schooling for adults aged 25 years and more and expected years of schooling for children of school entering age. The standard of living dimension is measured by gross national income per capita. The HDI simplifies and captures only part of what human development entails. It does not reflect on inequalities, poverty, human security, empowerment, etc. It can, however, be used as a proxy variable to suggest gender quota success or failure in terms of strengthening gender equality.

The Gender Development Index is appropriate to use as a measure the success of parliamentary gender quotas on overall gender development levels because it comprises many related areas of gender development. GDI components, especially mean years of schooling and gross national income, have a strong correlation. The fact that this correlation exists demonstrates that if gender development is high with regard to mean years of schooling, there are likewise high levels of estimated gross national income. The fact that there is a correlation between these gender development measures suggests that the GDI is a strong index that can serve as a proxy variable to measure the overall effects of gender quota implementation on gender equality.

To measure gender quota success by states' Gender Development Index and Human Development Index, this study will determine the year that the parliamentary system implemented gender quotas, find the GDI five years before implementing gender quotas, find the GDI at the time of implementation, and find the GDI five years after implementing gender quotas. This study will use the same process for HDI, which will serve as a proxy for overall democratic development.

Together with HDI, Freedom Scores provided by Freedom House will also be used as a measure of overall democratic development. Freedom Score is an index assessing the political rights and civil liberties enjoyed by persons living in a country. Freedom Score assigns countries or territories values based on the answers to basic questions on their electoral process, political pluralism and participation, individual rights, organizational rights, and rule of law. Each country or territory is assigned separate political rights and civil liberties ratings, and is then is grouped into free, partly free, or not free status. To measure gender quota success in building democracy using Freedom Scores, this study will determine the year that the parliamentary system implemented gender quotas, find the Freedom Score five years before implementing gender quotas, and the Freedom Score at the time of implementation, and find the freedom score five years after implementing gender quotas.

The last source of data that this thesis will draw from to gauge levels of democratic development is the Transparency International corruption perceptions index (CPI). This index scores countries on how corrupt their public sectors are seen to be. It ranks 180 countries and territories by their perceived levels of public sector corruption "according to experts and business people" (Transparency International CPI, 2018). The CPI uses a scale of 0 to 100, with 0 as highly corrupt and 100 as very clean. To measure gender quota success by CPI, this study will determine the year that the parliamentary system implemented gender quotas, find the CPI five years before implementing gender quotas, find the CPI at the time of implementation, and find the CPI five years after implementing gender quotas.

Cases

Voluntary Party Quotas		Compulsory Party Quotas/Legislated Candidate Quotas		Reserved Seats		NO QUOTAS	
Sweden (1) (0.982)	Turkey (4) (0.924)	Argentina (1) (0.988)	Nicaragua (3) *2013 (0.947)	Taiwan	Rwanda (3) (0.943)	Finland (1) (0.990)	India (5) (0.825)

Figure 4: Case Studies and 2018 GDI ranking/GDI value

These cases were chosen according to their GDI value. For each type of gender quota, this study will draw from cases with a low and high GDI. The research objectives for each case are to determine how gender quotas are defined and designed, what system of government the gender quota is operating under, how the parliamentary system is constructed (i.e. unicameral, upper and lower house, based on population), how and why gender quotas are implemented within this parliamentary system (e.g. pressure from the international community, women's movements), and how the state perceives/values gender equality (i.e. what are the state's definitions/guidelines for improving gender equality and what actions has the state taken to reach its gender development goals). Once these preliminary questions are answered, this study will examine what legislation is in place pertaining to women's issues (specifically on domestic violence), find when this legislation is passed, how well it is implemented, and find what impact the legislation has on the state's overall gender equality.

CHAPTER 1: Compulsory Party Quotas

“[Since] human rights have become a symbolic marker of the “modern” state, both liberal democratic and repressive states ratify international human rights instruments without necessarily intending to fully comply with them” (García-Del Moral and Neumann 2019, 453).

Compulsory gender quotas limit the candidates that political parties can select when they create their slates for each general election. However, this does not explain why some parties are more likely to actually implement “compulsory” gender quotas than others (Murray 2007, 568). Political parties respond to the mandate for compulsory gender quotas, and incorporate them into their candidate selection process, in different ways. Parties are faced with competing and contradictory demands throughout their candidate selection process, and these demands dictate whether and how they decide to implement quotas (568). It is important to understand the range of options available to political parties, and the way that parties prioritize these options, in order to determine how likely each party is to comply with gender quotas, and why it might do so. As an example, party goals such as ideological coherence or electoral success may affect party compliance (568). The sanctions in place for noncompliance with gender quotas may also determine whether a political party is willing to abide by the law (Thames and Williams 2013, 8). Overwhelming research suggests that parties are often reluctant to implement compulsory gender quotas in particular because they “demand that party newcomers put (female) newcomers on the lists and remove some (male) candidates” – which challenges the power balance (Bjarnegård and Zetterberg 2016, 395).

Most political parties are reluctant to implement gender quotas. However, trends in my research suggest that the main problem with compulsory gender quotas is *not* party compliance. On the contrary, most parties are in full compliance with legislated gender quotas, but “chose to comply with the quota in a minimal way by putting women at the bottom of the candidate lists in non-electable slots” (395). Despite this passive-aggressive form of fulfillment, compulsory gender quotas nevertheless tend to result in an increase of female representatives in parliament.

Compulsory gender quotas successfully resulted in a greater percentage of female parliamentarians in both Argentina and Nicaragua and, these gender quotas were *partially* successful in terms of allowing women MPs to provide substantive representation as measured by the passage of domestic violence legislation. In both cases, the increased number of seats held by women (achieved via compulsory gender quotas) resulted in the introduction of more ambitious domestic violence legislation. However, systemic gender inequality in both cases prevented the new legislation from being well implemented. In Argentina, provincial governments have no incentive to uniformly enforce domestic violence laws, while in Nicaragua conservative opposition backed by the Ortega administration encouraged the law to be struck down – effectively rendering it powerless. Thus, gender quota implementation in both countries, and the increased domestic violence legislation that followed, did not effectively curb domestic violence levels or help women to navigate the justice system.

Both Argentina and Nicaragua experienced an increase in the number of female parliamentarians after implementing compulsory gender quotas. Argentina became the “first democratic country to enact legislation for a national electoral quota for women” in passing its landmark *Ley de Cupos* in 1991 (Gray 2003, 54). The proportion of seats held by women in the Argentinian parliament rose steadily from less than 7% in 1990 to 27.6% in 1997, which demonstrates that the quota did result in an increased number of female MPs (Index Mundi). Nicaragua implemented compulsory quotas through a new electoral law in the year 2000. As a result, the proportion of seats held by women in the Nicaraguan National Assembly rose from 9.7% in 1999 to 20.7% in 2002 (Index Mundi). The drastic change in these percentages does not necessarily mean that parties were abiding by the newly implemented quotas, because parties were still able to “strategically nominate women for alternate positions in which the titleholder is likely to step down shortly after taking office” (Hinojosa and Gurdián 2012, 61). However, the statistics do suggest that implementation of compulsory quotas in these countries did lead to an increase in the number of female representatives.

The Nicaraguan National Assembly and Argentinian parliament did introduce more “women-related bills” (including but beyond domestic violence legislation) after introducing gender quotas (Htun, Lacalle, Micozzi 2013, 115) (García-Del Moral and Neumann 2019, 452). The increased number of female legislators after quota implementation led to more dialogue of women-related issues; thus, gender quotas in Nicaragua and Argentina preceded the introduction of new domestic violence legislation (Htun et al. 2013, 115) (García-Del Moral and Neumann 2019, 452). Laws passed to criminalize femicide and establish protections for women victims of domestic violence “expanded over the last two decades” (Neumann 2017, 2). Despite this increased legislation, however, rates of violence against women remain disturbingly high in both countries (2). So how is it possible that the legislation is not successfully curbing rates of violence or improving judicial proceedings in domestic violence cases? The answer is that laws “are especially ineffective in contexts of high impunity,” as is the case in many Latin American countries (Moral and Neumann 2019, 455). The state’s weak enforcement of domestic violence legislation consistently results in poor implementation of the laws in both countries. State actors continue to fail in implementing gender-based violence laws even today, leaving women to the task of seeking justice themselves or remaining silent and vulnerable to future attacks by the same perpetrator.

Compulsory gender quotas are successful in initiating discussion on women-related issues. In the two cases presented here, compulsory gender quotas successfully increased consciousness-raising (Htun, Lacalle, Micozzi 2013, 115). They are also often successful in terms of increasing the amount of legislation introduced relating to women because “gender influences legislative preferences” (Barnes 2012, 504). However, gender quotas do *not* impact the behavior of state actors outside parliament or as regards the successful implementation of new legislation. Compulsory gender quotas in particular have no impact on provincial enforcement of laws or the compliance of state actors because they are adopted top down (i.e. codified into law at the federal level) (Franceschet and Piscopo 2008, 403). Where gender

quotas are implemented top down, “low domestic mobilization may decrease female legislator’s perceived obligation to represent women as a distinct constituency” (403). They therefore feel no obligation to see that legislation enacted to protect women from violence or protect their rights is actually enforced. As an example, they are not incentivized to ensure that levels of domestic violence actually decrease or that women’s navigation of the justice system is improved. The poorly enforced domestic violence legislation in Nicaragua and Argentina demonstrates that while compulsory gender quotas may increase the level of gender-based legislation, it does not positively impact the *implementation* of federal laws relating to women at the provincial level.

Impact of Compulsory Gender Quotas on Substantive Representation: The Case of Domestic Violence Legislation in Nicaragua and Argentina

Nicaragua

The Nicaraguan National Assembly was incentivized to pass domestic violence legislation even before implementing quotas, but this legislation was not all-encompassing (Neumann 2018, 67). Grassroots women’s started a dialogue on the state’s responsibility to pass legislation on gender-based violence, but without enough female legislators the resultant legislation lacked the necessary provisions to effectively curb violence against women (67). Local feminist organizations led powerful campaigns that led the National Assembly to pass Law 230 in 1996, while the percentage of women in parliament was a mere 10.80% (67) (Index Mundi). This legislation established a women’s right to seek protection in the case of presumed violence and “made family ties between offender and victim an aggravating circumstance for sentencing decisions (67). Feminist organizations also encouraged the state to establish *comisarías* in major cities to use as facilities for victims in need of protection (68). While they saw the *comisarías* as a positive step toward reducing impunity, they criticized the Nicaraguan state for failing to provide the institutions with sufficient funding and resources.

Nicaragua implemented constitutionally mandated gender quotas in its 2000 Electoral Law (Law 331). Law 331 mandated that political parties include 50% men and 50% women candidates in their electoral lists in order to participate in the National Assembly elections. There were no legal sanctions for noncompliance included in this law. Only twelve years later, the Nicaraguan National Assembly passed a comprehensive law on gender-based violence (Law 779) (Neumann 2018, 61). By this time, the percentage of women in parliament had risen to 40.20% (Index Mundi). Law 779 “delineated the specific circumstances that judges should take into consideration for sentencing in cases where there was familial, work, intimate, educational, or guardianship relationship with the victim” (Moral and Neumann 2019, 470). It also set the penalty for committing femicide at 15 – 25 years in prison (470). The law was celebrated by women’s organizations, but it was eventually weakened by state actors (Neumann 2018, 61). Conservative religious opposition to the law eventually grew so strong that President Daniel Ortega, the Supreme Court, and elected officials retracted their support (76). Ortega and his conservative allies “discredited local feminists as outsiders peddling a suspicious agenda” (Moral and Neumann 2019, 463). Thus, the National Assembly’s legislative achievement was undone because conservative backlash overpowered women’s rights organizations and supranational pressure (454). The president and elected officials’ attacks on Law 779 made it poorly implemented and poorly enforced. Conservatives pushed for reforms in 2013 that undermined and completely changed the progressive law – most importantly its definition of femicide (470).

Impunity in domestic violence cases remains a serious problem in Nicaragua despite the passage of numerous laws to address domestic violence (Neumann 2017, 1). Women in Nicaragua struggle to navigate the justice system amongst routine practices of state bureaucrats such as police and prosecutors (1). Rates of violence against women in the country is staggeringly high despite legislation to protect women victims because the extent to which the laws are enforced depends on the decision-making of local actors (2). State actors “shape women’s experiences of citizenship by affirming or denying their

access to legal rights and protections” (2). As an example, Nicaraguan women who express visible emotion (e.g. crying) are “taken less seriously by state officials, coerced into nonbinding mediation agreements, or sent away altogether” (25). Women are also frequently expected to do the work of the state in order to achieve justice. They are expected to “pay the costs of standard police work” because the police do not follow up on a women’s case “unless she returned to the comisaría multiple times to check on the investigation” (25). By the year 2016, most comisarías were closed because of budget shortfalls (Neumann 2018, 68).

Argentina

Argentina is struggling to implement effective domestic violence policy because of the state’s decentralization and weak administrative capacity (Franceschet 2010, 9). The Argentinian parliament passed domestic violence legislation in 1994 (*Ley Nacional 24.417*) to include physical and psychological violence committed by family members (Franceschet 2010, 9). *Ley Nacional 24.417* was enacted only three years after gender quota implementation while the percentage of women in parliament was less than 27.60%. Since Argentina is a federal state, this legislation only applied to the Federal Capital of Buenos Aires and invited provinces to create their own legislation (9). There is still substantial variation among provincial domestic violence laws today (9). Argentina is a “relatively decentralized federal state with 23 provinces and an autonomous federal district (10). This political decentralization means that there is “substantial variation in provincial policies on domestic violence” – meaning that women living in different provinces have different levels of access to the justice system and victim services (10). Argentina’s most prominent women’s agency, the National Women’s Council, is also losing resources (11). It isn’t powerful enough to overcome the obstacle of the decentralized state or influence parliament (11). Argentina’s bureaucratic capacity is weak, meaning it is unlikely that any women’s policy agency would be strong enough in administrative terms to initiate policy change (11).

As women's presence in the Argentine National Congress grows, both women *and* men are introducing more women-related bills (Htun, Lacalle, Micozzi 2013, 115). The increased number of female representatives in Argentina's national legislature *has* led to more discussion of gender-related concerns and more consciousness-raising. Senator Maria Cristina Perceval introduced an initiative in 2006, when the percentage of women in parliament was 35%, to address the shortcomings of Argentina's 1994 national domestic violence law and its application (Francheschet 2010, 9). Her proposal replaced the outdated and ineffective *Ley Nacional 24.417* with new, more ambitious domestic violence legislation (9). Perceval's initiative finally passed its last legislative hurdle in March 2009 when the percentage of women in parliament was 38.50% (9). Argentina's new 2009 domestic violence law is "far more ambitious in scope than its earlier one" (9). It "refers to violence against women in a variety of arenas rather than just the family realm, guarantees free services to victims, and eliminates conciliation as a legal option" (9). However, it is unlikely that the legislation will ever be well implemented because the executive has not taken necessary steps towards enforcement and provincial governments are not all committed to domestic violence as a policy area (9). Franceschet, a professor of political science at the University of Calgary, wrote that "by October 2009, the executive had still not taken any steps toward regulating the law; that is, detailing how its various provisions would be implemented and creating the necessary institutional infrastructure to do so" (9). The new law is nevertheless an improvement in domestic violence policy since Argentina's 1991 quota enactment.

Impact of Compulsory Gender Quotas on Overall Levels of Gender and Democratic Development in Nicaragua and Argentina

Data shows that Nicaragua experienced rapid growth in its GDI ratings after implementing compulsory party gender quotas, while Argentina's GDI actually decreased after adopting such measures. In Nicaragua, GDI increased by 3.638% the first ten years after quota implementation (from 0.907 in 2000 to 0.940 in 2010), nearly twice the world rate of increase in GDI, which increased by

1.77% during the same period (1995-2005). In Argentina, GDI *decreased* by about 0.203% during the first ten years after quota implementation. The world Gender Development value, in contrast, *increased* by 1.77% during the same time period (1995 – 2005). Along with its rapid rate in growth in GDI from 1995-2005, Nicaragua's overall gender development also increased during the same period. Today, Nicaragua's gender development value is 1.013. Its gender development index jumped from 0.947 in 2013 to 1.007 in 2014 – a substantial improvement. The fact that Nicaragua was a tier-three country less than seven years ago, and that it jumped from group 3 to group 1 in a single year, suggests that perhaps the effects of gender quotas aren't experienced until well after they are implemented. It may indicate that it simply takes more time for gender quotas to visibly improve gender development. However, gender development did *not* improve in Argentina over the same amount of time. The gender development value in Argentina stayed between 0.988 and 0.991 for the past 10 years. This suggests that gender quota implementation does not likely cause spikes in gender development on its own.

Neither Nicaragua's nor Argentina's HDI levels increased at rates greater than the world norm after quotas. Human Development in Argentina and Nicaragua only increased by 8.543% and 8.099% respectively during the ten years after implementation, which is not substantially greater than the 8.43% and 8.74% changes in *world* Human Development during the same time periods. These increases in HDI can likely be attributed to improved health services, technological advancements, and increased access to education around the world, not to compulsory party quotas.

The political corruption score for Nicaragua slightly increased during the ten years after implementing quotas, but it declined by 8.33% from 2010 to 2019, and the country's Freedom Score declined from a 5 to a 4 in political rights. The corruption score in Argentina steadily declined by about 33.206% during the ten years after implementation, and its Freedom Score increased only from a 2 to a 3 in political rights and civil liberties. This data suggests that compulsory gender quotas were not a

terribly successful intervention in either country in terms of strengthening democracy according to the UN, Freedom House, or Transparency International measurements.

Discussion

Overall, compulsory gender quotas are imperfect because they compel states to make empty promises in pursuit of legitimacy (Moral and Neumann 2019, 453). States try to implement human rights instruments such as gender quotas to demonstrate that they are a “modern” state (453). However, it is not guaranteed that the gender quotas will be well enforced, that parties will comply with them, or even that the legislation enacted under compulsory gender quotas will be well implemented. Compulsory gender quotas, because they are codified into law, are especially open to interpretation, allowing for parties to make empty promises without actually complying with gender quotas as the framer intended. In the two cases presented here, political parties were *forced* to comply with gender quotas. The political parties responsible for choosing candidates in the Argentinian and Nicaraguan parliamentary elections needed to demonstrate ideological support for the principle of gender equality to the state in order to participate. Therefore, the parties gained legitimacy by supporting gender parity. Political parties in Argentina and Nicaragua did, albeit reluctantly, comply with compulsory gender quotas. However, the laws passed after quota implementation were not sufficiently enforced because of nonuniformity amongst provinces and because state actors failed to provide the services that the legislation required. Compulsory party gender quotas did increase both the rate of GDI change and the overall level of GDI development in Nicaragua, but did not have the same impact in Argentina. The finding that Nicaragua benefitted more from compulsory gender quotas than Argentina may relate to Nicaragua’s lower overall human development. However, compulsory party gender quotas do not appear to have boosted overall democratic development as measured by HDI rates of change in comparison to world HDI rates of change. Compulsory gender quotas also did not precede significant changes in Freedom House and Transparency International scores.

CHAPTER 2: Voluntary Party Quotas

“For political women to have a legislative impact, they need to be representatives of a conducive party and they need to be able to “work” the party; that is, to persuade party leadership and male colleagues of the virtues of supporting policies that provide substantive representation for women” (Beckwith 2007, 43).

Voluntary party quotas allow parties to decide whether to implement gender quotas. They stem from “internal and voluntary decision making” within the party because they aren’t codified into law (ACE Project). As a result, the only parties that implement voluntary party quotas are those that *intend* to do so. They are put in place because of a conscious decision to “express a liberal and progressive party culture” (ACE Project). This gives them the opportunity to prove to their electorate that they are dedicated to gender equality – perhaps more so than other parties (ACE Project). Voluntary party quotas “do not interfere with internal party affairs” and allow parties to draft and pass their own regulations. However, they are also harder to implement because they cannot be enforced by law. The fact that parties are not legally bound to implement gender quotas means that they may need alternative incentives to commit to gender parity.

Parties become increasingly likely to implement gender quotas when there is a strong precedent in favor of quota implementation (i.e. other parties in the country have already implemented quotas) (Thames and Williams 2013, 7). Once a single party implements gender quotas, it creates a form of contagion prompting others to follow suit. But where does the first party get its incentive to implement? It is up to women inside the party to stand up to party leadership and demand that gender quotas are put in place to ensure that they have sufficient representation in parliament. They need to “work” their party and convince them to commit to policies that increase women’s substantive representation (Beckwith 2007, 43)

National legislatures in Turkey and Sweden demonstrate that intraparty women’s groups provide the necessary pressure for political parties to implement gender quotas. In Sweden, feminists within all parties began demanding equality in parliamentary elections during the early 1970s (Hawkesworth 2012,

197). It was the women's sections of political parties that "provided a base for insider mobilization" (197). Women in Sweden's Liberal party successfully persuaded the male leadership that a 40 percent quota of women candidates "would give them an advantage at the polls" (197). The Liberal Party implemented gender quotas in 1972. During the same year, the Social Democratic Women's Federation (a women's group within the Social Democratic Party (SDP)) made a simple proposal that the SDP should adopt a voluntary quota so that neither sex could have more than 60 percent of the positions on candidate lists. They were unsuccessful, however, and it took more than ten years for the women to persuade the SDP to adopt voluntary quotas. (197) Once the Social Democrats adopted voluntary quotas, Conservatives "eventually followed suit" (197). The Conservative party finally decided on equal representation targets in 1993 (IDEA Database). The results of voluntary party quotas in Sweden were drastic. The percentage of women in the Swedish Riksdag "increased from 38 percent by the late 1980s, 40 percent in 1994, and 45 percent in 2010" (Hawkesworth 2012, 197).

Women within the Turkish People's Democratic Party (Halkların Demokratik Partisi or HDP) also played a large role in advocating for increased levels of female representation in parliament. The HDP was created in 2012 by a coalition of Turkish and Kurdish left-wing organizations to challenge the Turkish State's approach to the Kurdish issue and women's rights (Burç 2019, 326). Women's organizations such as the Demokratik Özgür Kadın Hareketi (Democratic Free Women's Movement, DÖKH) played a large role in the HDP's establishment in 2012 (326). However, the Women's Assembly *within* the HDP is the most powerful force impacting the nomination of women "to appear on the women candidate lists" (Tajali 2015). The HDP Women's Assembly is "autonomously organized yet embedded within the HDP" (Burç 2019, 328). It is entrusted with the selection of all female candidates (Tajali 2015). It also "charges women half the registration fee it charges men in an effort to level the playing field of female aspirants who have less (sic) financial resources than their male counterparts" (Tajali 2015). The HDP Women's Assembly aims to support women's participation in politics in order

to transform and democratize the Turkish parliamentary system (Burç 2019, 328). It also deliberately “[selects] female candidates who are more likely to represent women’s interests” (Tajali 2015). Many high-profile HDP women’s candidates are directly encouraged by the Women’s Assembly to apply for candidacy.

The power that the HDP Women’s Assembly has over female candidate selection is unprecedented. It is unusual that a women’s group *inside* a political party is given so much power over the candidate selection process. Normally, candidate selection is entrusted solely to party leadership. The power entrusted to the Women’s Assembly “is a welcome shift in preventing the nomination of token women who will remain accountable to party leaders rather than to the party’s female constituency” (Tajali 2015). The Women’s Assembly was the driving force that demanded the HDP to implement voluntary party quotas, and it still maintains a substantial amount of power over candidate selection today. Currently, any and all decisions taken by the HDP affecting women “can be annulled by the women’s assembly through veto” (Burç 2019, 328). One of the HDP’s overarching goals is to “participate in parliamentary elections with the aim of equal representation” (327). The party participated in its first general election with a gender equality platform and a voluntary party quota in 2015. The result of HDP participation in the 2015 elections was drastic. A record of 96 women were elected to the Turkish parliament, constituting 17.5% of seats (up from 14.4% in the previous parliament). (Tajali 2015) Women from HDP “now make up one third of the total female MPs” (Tajali 2015).

Women’s groups in both Turkey and Sweden played an important role in the implementation of voluntary party quotas. Many of them also influence national policy and push for legislation in the area of women’s rights. However, they also face the state’s structural, patriarchal limitations in achieving any of the aforementioned goals. Women’s groups work with the state, and play by its rules, in order to achieve their goals. In other words, they can only achieve what the state *allows* them to. Women’s

groups today tend to have a more “moderate” and “accommodationist” relationship with the state while tending to steer clear from autonomy or radicalism (Banaszak, Beckwith, and Rucht 2003, 2). Gender quotas put women in a stronger position politically than women’s groups can because gender quotas allow women to *become* the state (Hawkesworth 2012, 187). Unlike women’s groups, which work with the state and abide by its boundaries, gender quotas allow women to participate directly in formal politics. Therefore, the successful enactment of domestic violence legislation in Turkey and Sweden cannot be attributed to lobbying efforts by women’s groups alone. It is because intraparty women’s groups pushed for gender quota implementation that these parliamentary systems are able to successfully pass legislation to protect women from domestic violence. In Sweden, voluntary party quotas did result in substantial changes in domestic violence legislation but did *not* result in reduced impunity in domestic violence cases or protect them from assault. In Turkey, similarly new domestic violence legislation has not yet been fully implemented because of systemic problems. Just as compulsory party quotas did like in Nicaragua and Argentina, the implementation of voluntary party quotas in Turkey and Sweden did partially improve substantive representation for women by increasing the production of domestic violence legislation. Yet again like my earlier cases, however, in Turkey and Sweden my research demonstrates that even when such legislation is passed, it is rarely implemented and thus it fails to curb domestic violence levels or improve women’s treatment in the judicial system.

Impact of Voluntary Gender Quotas on Substantive Representation: The Case of Domestic Violence Legislation in Turkey and Sweden

Turkey

The Turkish Peoples’ Democratic Party (HDP) was founded in 2012 and participated in its first general elections using voluntary party quotas in 2015. The Turkish parliament has only experienced the effects of voluntary party quotas for four years, and thus there are few laws passed after quota implementation to determine whether gender quotas are resulting in more legislation pertaining to

women's issues. However, the 22 female HDP members who were elected to office are vocally committed to gender equality (Burç 2019, 328). Women parliamentarians who belong to the HDP constitute their own women's group with the primary goal "to raise issues concerning women in the parliament" (328). Domestic violence legislation in Turkey has not substantially changed in the three years after voluntary gender quota implementation. However, the outcomes of previous domestic violence legislation raise concerns that if new landmark legislation were to be passed, systemic problems would prevent the laws from successfully protecting women from violence. If trends in the implementation of previous domestic violence legislation women persist, new legislation would not successfully curb domestic violence levels due to foundational problems within the Turkish judicial system and economy.

Turkey enacted Law 4320 in 1998 (amended 2007) to outline judicial proceedings for domestic violence. Specifically, it allows victims to file for a protection order (Rodriguez 2009, 34). Law 4320 was a "significant change from previous legislation, which offered no recourse for women being victimized by their relatives and, on the contrary, would generally hold women responsible for provoking the violence" (34). It was enacted largely because of incentives from international and domestic arenas (35). Women's rights activists lobbied in favor of Law 4320 for 20 years before the legislation was passed (35). Ultimately, the possibility of EU membership played the largest role in incentivizing the Turkish state to pass the legislation. Turkey began its EU accession negotiations in 2005 which initiated "a strong, unprecedented impetus in regard to legal reforms in the area of gender equality" (Dedeoglu 2012, 270). Although law 4320 was an improvement from previous domestic violence legislation, it still lacked explicit provisions for addressing violence toward women in marriage in the Criminal Code. Separated couples were not even originally included as eligible for protection until the law was amended in 2007 to include separated couples (Rodriguez 2009, 34).

There are many problems with implementation of Law 4320 today. Even with the law in place, between one-third and one-half of women in Turkey have been physically victimized by family members (Rodriguez 2009, 33). According to Amnesty International, 88.2 percent of 1,259 women in Turkey “lived in an environment of violence” and 68 percent of them were hit by their husbands (33). Women are still unlikely to report domestic violence or seek legal protection because of social and economic pressures to stay with their husbands (36). There is a small number of Turkish women in the work force which leaves them dependent on their husbands and fathers to provide for them and especially vulnerable when divorced, deserted, or widowed (36). The rate of female employment in Turkey is approximately 23% (Bugra and Yakut-Cakar 2010, 522). The rate of female economic activity is “lower than the average in most regions of the world” (522). Inactive women – mostly housewives – make up about 47 % of the female population (Dedeoglu 2012, 277). Due to their economic dependency, women in Turkey need to avoid being blamed for undermining family stability and unity at all costs. Women victims of domestic violence are encouraged to forgive their abusive husbands rather than seek legal protection (Rodriguez 2009, 36). The “general and discriminatory judicial passivity in Turkey [creates] a climate that [is] conducive to domestic violence” (36). Police officers sometimes see their responsibility as encouraging women to return to their husbands instead of providing protection from abuse (36). If a suspect denies a woman’s complaint, the police often drop a case with no further investigation (36).

Two other laws in Turkey pertain to domestic violence. Law 6284 (2012) provides financial aid for battered women. Law 5393 (2005) allows municipalities to build shelters for victims of domestic violence. It allowed cities with a population of 50,000 or over to open women's shelters (Gül 2013, 111). Unfortunately, Law 5393 is also poorly implemented – a great majority of municipalities did not attempt to open women's shelters with various excuses (111). There are 27 municipalities operating women's shelters but only 22 of them provide services to women exposed to violence and their children (112).

Overall, the Turkish welfare state failed to aid victims of domestic violence and needs to improve service quality and coordination (114). There is no substantial change in judicial proceedings to punish domestic violence after the HDP became the first Turkish political party to implement quotas in 2015.

Sweden

Gender equality is a persuasive feature of social and economic policy in Sweden (283). “Swedish political institutions have been modified in the interests of a more egalitarian society” (Bradley 1990, 284). Its reforms of domestic relations law show “the modification of traditional, divisive... conventions” (284). Swedish government agencies, specifically the social welfare system, promote sexual equality in that they “provide basic security and incentives for women's employment” (288). Sweden has an active labor market policy for women and “educational initiatives have the objective of countering traditional sex-stereotyping” (288). What’s more, women have “the means and the right to control childbirth through sex education, expansion of contraception and sterilization facilities and a liberalization of abortion law in 1974” (288). Despite Sweden’s progressive gender equality policies, however, domestic violence remains a pressing issue (Thapar-Björkert, Samelius, and Sanghersa 2016, 144). Studies highlight that there has been “no significant decrease in men’s violence towards women” even with strong policy initiatives targeted at reducing violence against women (145).

Sweden is recognized by the international community for its progressive gender-equality policies “targeted at reducing gender-based violence” (145). Swedish criminal authorities are also “more likely to conceptualize [violence against women] as a crime” (145). As an example, new penal code legislation was introduced in 1998 on “gross violation of a woman’s integrity,” which “deals with repeated, punishable acts directed by men against women with whom they have a close relationship” (145). Swedish policy initiatives aim at a zero-tolerance approach towards violence against women and are supported by substantial amounts of public funding (145). Despite these efforts, violence towards women by men in Sweden has not decreased and remains a pressing problem today. In fact, it is so

engrained in society that the “subtle intonations of power and domination” are sometimes indistinguishable to victims because they are rationalized as normal (158).

The issue of violence against women began to attract significant attention in Sweden in the 1980s. In 1982 the Swedish Riksdag enacted legislation relating to the legal responses to domestic violence, i.e. the “rules for prosecuting assaults in private places such as the home” (Åkerström 1998, 63). This legislation made all abuse “subject to public prosecution” (63). It changed the rule in the Swedish court system that required the victim to press charges in order for a domestic violence case to be tried. It allowed police officers to make complaints and allowed prosecuting authorities to determine “whether there is adequate evidence” to proceed (63). In 1988, the Swedish Riksdag enacted a law allowing women to apply to the prosecuting authorities “to rule that the man guilty of the offence will be prohibited from calling her, visiting her, etc.” (64). All of these laws demonstrate that legislators in Sweden wanted it to be “firmly established that assault within the family is a crime that is at least as deserving of punishment as other forms of assault” (64).

Attention to domestic violence in the Swedish Riksdag escalated after the final report of the Committee on Violence Against Women in June 1995 (Nylén and Heimer 1999, 19). At this point, Swedish society began to see domestic violence as a more serious issue affecting the health and safety of women (20). On July 1st, 1998, Sweden altered its Penal Code to include “repeated acts committed by men against women with whom they have a close relationship” (20). This new addition meant that if a man commits multiple acts of domestic violence against a woman to whom he is married with whom he is cohabiting, the courts can sentence him for “gross violation of the women’s integrity in addition to sentencing him on each traditional crime” (20). This new legislation allows the courts to take into account the complete experiences of the abused woman and fit the offender’s punishment to the “severity and frequency” of the perpetrator’s acts. In the past, Swedish courts were required to view each criminal act as one case rather than considering the repeat occurrences (20). The Swedish

legislature also “viewed reconciliation between the involved parties as preferable to judicial intervention” (20).

The Swedish government did take many positive steps before the 1995 CVAW report to address domestic violence, such as creating a group in the Cabinet Office to study the issue in 1989 and funding measures for further education, local development work, and women’s shelters (Åkerström 1998, 63). This demonstrates that Swedish government did address violence against women more strongly after parties began to implement voluntary party quotas in 1972. However, the strongest and most effective changes to the Swedish penal code came after the CVAW 1995 report. Unfortunately, domestic violence is still a problem in Sweden despite the Riksdag’s strong response to the report – i.e. its new 1998 penal code. According to a Swedish women’s shelter, in 1999 a woman in Sweden was battered every 20 minutes, and 25-30 women were battered to death by their husbands each year (Nylén and Heimer 1999, 21). This suggests that domestic violence still persists in Sweden even after parties within the Swedish Riksdag implemented voluntary gender quotas, after the 1995 CVAW report, and after new legislation to address violence against women was passed.

In 2005, a Swedish women’s party, The Feminist Initiative, “formed to agitate for reform of rape laws, programs to address domestic violence, and equal pay for women” (Tinker 2009, 10). The party put up candidates in the 2006 election but won under 0.7% of votes and no seats. One theory explaining why the Feminist Initiative failed to win any seats is that violence against women (VAW) has “not yet become a national issue” in Sweden (10). The issue of violence against women in Sweden is brushed aside as a non-issue, and as a result rates of domestic violence are not likely to improve. However, VAW may reappear as a national issue through the Swedish International Development Cooperation Agency (SIDA) because it continues to include the issue of domestic violence into the country’s programs (10).

The implementation of voluntary party quotas in both Turkey and Sweden does seem to improved women's substantive representation to some extent; namely, in both cases new and expanded domestic violence legislation resulted after the quotas. However, both cases also reveal the limits of such quotas in terms of their ability to actually reduce impunity in domestic violence cases or protect women from assault. In both Turkey and Sweden, levels of domestic violence are still high and violence against women is still a national concern; the new laws remain largely unimplemented.

Impact of Voluntary Gender Quotas on Overall Levels of Gender and Democratic Development in Turkey and Sweden

It does not appear that the implementation of voluntary gender quotas in either Turkey or Sweden led to significant changes in GDI and HDI (significant meaning rates of change substantially higher than the global norm during the same time period). Sweden's GDI has slightly *decreased* from its 0.999 value in 1995 to its 2018 value of 0.982. Gender development values in Turkey did increase during this period, but not only by a rate of 0.654% during the few years after implementation (2015 - 2018) and never more than the average world rate of GDI increase. The HDI in both of these cases did increase during the ten years after implementation of voluntary party gender quotas (Turkey's rate of change was 0.875), but this is in line with worldwide increases in human development. Even more significantly, Turkey's Freedom Score values *dropped* after quota implementation-- from 3 PR, 4 CL in 2015 to 5 PR, 6 CL in 2017. These statistics demonstrate that voluntary gender quotas do not result in significant changes in the rate of growth of GDI or HDI compared with the world norm, nor do they seem to have helped to strengthen these democracies in terms of Freedom House and Transparency International measurements.

Discussion

Many scholars posit that the main problem with voluntary gender quotas is that they are not enforceable and allow parties to “pay lip service to the idea of gender parity in governance...but do little more than that” (Hawkesworth 2012, 198). On the contrary, my research demonstrates that parties are often highly incentivized to implement and adhere to gender quotas, and that the representatives who gain their seats through such quotas do go on to produce women-centered legislation in the realm of domestic violence. However, the legislation that is passed through parties that have implemented voluntary gender quotas is still not implemented effectively, and thus is not able to protect women from domestic abuse. Nor do such quotas seem to have important positive impacts on GDI or HDI development overall, nor on democratic strength overall in these countries.

CHAPTER 3: Reserved Seats

“The quota originally intended to create a space for women instead created a vacuum generating a force of suction that pulled into politics all the women standing on the brim of the political arena” (Nanivadekar 2006, 123).

Reserved-seat quotas set aside a certain number of seats for women in the national legislature. Therefore, they “guarantee women a certain number of seats in parliament independent of electoral results” (Ojha 2009, 472). This type of quota is unique because it saves parliamentary seats for women that men are ineligible to contest (Krook and O’Brien 2010, 260). Most reserved-seat quotas “are meant to be temporary until women can compete with men for open seats using their quota experience” (Wang and Yoon 2018, 1). However, the reserved-seat quota system does not seem to consistently lead women MPs to successfully transition to open seats when the quotas are removed. Although reserved seats “allow women MPs an opportunity to show their talent and skills and has helped them build confidence and name recognition, they still face considerable obstacles when contesting for an open seat” (2). Why is this? It seems to be because reserved-seat quotas reinforce deeply engrained attitudes about women’s ability to represent a constituency (2). They weaken women parliamentarians’ reputation by reinforcing the idea that women are not as competent as their male counterparts because they did not (could not) win their seat based on their merit. This form of quota leads constituents to believe women cannot win seats on their own but must rely on quotas to gain their seat. In short, reserved-seat quotas make the competition for open seats fiercer for women than it would be if quotas were never implemented. Paradoxically, this form of quota seems to make it *more difficult* for women to win parliamentary seats without quotas in the future – the exact opposite of the intended impact.

Reserved-seat quotas present obstacles for female politicians because they create an impression that women constitute a separate “affirmative action” group in national legislatures (3). They generate a view that there is a “two-tiered system” of parliamentarians in which female MPs are “second-rate representatives” (3). Such a hierarchical system puts women parliamentarians at a distinct disadvantage.

Reserved seats can be problematic for the simple reason that those who successfully contest elections are regarded more highly than those who come in through “special seats” (Bauer 2008, 359). Many female legislators who enter parliament through reserved seats share a feeling that their colleagues and constituents do not give them the same level of respect as legislators who won a contested election (Wang and Yoon 2018, 3). Thus, reserved seats may give female representatives an inferior status and “[diminish] their legislative accomplishments” rather than allowing them to provide substantive representation (Bauer 2008, 359).

The reason why countries choose to implement reserved seat quotas is because they yield quick, strong results. Most reserved seat quota systems ensure that women “constitute at least a ‘critical mass’ of 30 or 40 percent as demanded in various international treaties and conventions” (Ojha 2009, 472). National legislatures that implement reserved seats usually experience an immediate, drastic increase in the number of female representatives. They also typically allow for women to “contest directly elected seats” even with the quota in place (Bauer 2008, 359) However, the availability (or requirement) of reserved seats “often takes the pressure off of political parties to nominate women to stand in directly elected seats” (359). Parties are actually *less* inclined to include more women in their candidate slates for open seats in the presence of reserved quota seats because federal law already mandates that enough women have a seat in the national legislature.

Rwanda implemented reserved seats upon ratifying its most recent constitution after the Rwandan genocide in 2003. Many more men than women perished during the Rwandan Genocide. As a result, Rwanda elected 39 women to the 80-member lower house of parliament in September 2003 (Burnet 2008, 361). The number of female parliamentarians rose from 48.80% to 63.80% during the first ten years with quotas in place (Index Mundi). However, this increase in female participation by women in parliament does not seem to have led to “greater gender equality or a “better, more peaceful society” in Rwanda (Burnet 2008, 363). Rwanda’s implementation of gender quotas did not necessarily increase

political power for women (363). It also did not necessarily lead to more egalitarian notions of citizenship (363).

It is clear that Rwanda's reserved-seat quotas did not empower women MPs in the perceptions of female suitability for office. A survey of all eighty Rwandan MPs revealed that "the majority of MPs know exactly which women MPs were elected by quota and which were elected by party list" (Bauer 2008, 359). The survey also revealed that women MPs elected through the gender quotas were "far less experienced than the party list women MPs" (359). At the same time, they were considered likely to know the problems of women and children well and more likely to represent women in particular" (359). This demonstrates that female representatives in Rwanda who are elected through gender quotas are perceived to be less experienced politically but to have a greater understanding of women and children's experiences. Thus, the very women who are most equipped to provide substantive representation to women are considered by their male peers to be the least fit for political office.

Thus, the reserved-seat quota system in Rwanda, ironically, restricts the impact of women legislators and the limits the ability of women to influence policy (361). Beyond the fact that their male peers (and perhaps even their "freely-elected" female peers) do not respect the female parliamentarians who occupy reserved seats, the lack of political freedom at all levels of government in Rwanda also prevents the reserved-seat quota from functioning as it was intended (361). 'Until the Rwandan government shows greater tolerance for human rights in general, the impressive representation of women in Rwanda's parliament and other government institutions will have only a limited impact on the lives of Rwandan women.' In other words, the laws passed by the Rwandan legislature relating to "women's issues" are not well-enforced even with gender quotas in place because the Rwandan state does not prioritize or value human rights.

The Taiwanese parliament, specifically the Legislative Yuan, has been required to include reserved seats for women since the adoption of the Constitution of the Republic of China (ROC) on

December 25th, 1946 (Huang 2015, 208). Article 134 of the constitution states that, “in the various kinds of elections, the number of women to be elected shall be fixed, and measures pertaining thereto shall be prescribed by law” (IDEA Database). Article 64 of the constitution stipulates that the number of women elected to the Legislative Yuan “shall be prescribed by law” (IDEA Database). While its stance on reserved seats for female legislatures was progressive, the Legislative Yuan did not have any real or effective legislative power until the early 1990s. Until this time, a different large elected body, the National Assembly, was the “main legislative organ” in Taiwan (IDEA Database). This changed with the first full elections to parliament in 1992. From this point forward, legislative powers were gradually transferred to the Legislative Yuan until the National Assembly was abolished completely in 2005 (IDEA Database). It is not possible to determine the rate of change in the number of female representatives within the Legislative Yuan before and after quota implementation because reserved seats were written into the ROC Constitution from the time the legislative body was established.

Taiwan is currently a leader and indeed an exception in terms of political representation of women in legislature in Asia (Huang 2019, 25). Thirty-eight percent of the current Legislative Yuan is female. Taiwan is even more unique in that many females in parliament come from single member districts (SMDs), which are open seats, have no applied quotas, and are “widely regarded as unfavorable for female candidates” (25). In Taiwan’s parliamentary elections, gender quotas at the national level are implemented only for seats in the proportional representation (PR) tier in parliamentary elections and not for SMDs (25). The reserved-seat quota system in Taiwan also does not help women to transition from running in PR districts, where they have the cushion of reserved seats and little resources, to running in open-seat SMDs (38). Nevertheless, unlike in Rwanda, there are a number of women who entered Taiwanese electoral politics by running in reserved-seat districts and subsequently went on to run and win in open-seat SMDs (38).

One of the main problems with reserved-seat quotas is that they create a perception that quota women are not as competent as non-quota women or non-quota men. On the contrary, the majority of females elected through reserved seats in Taiwan have “equal or better qualifications than the men they unseated” (Huang 2016, 325). The assumption still persists nevertheless. Even if reserved seats are put in place to correct the biased effects of a patriarchal gender culture, even if they allow “equally or better qualified women to be in politics,” they still do not change the public opinion that the women elected to parliament through reserved seats are less competent than their open-seat counterparts (342). Female Taiwanese parliamentarians have called to abolish reserved seats “as they consider women competitive enough to win seats on their own merit” (Huang 2015, 209). Critics also voice that the ruling Nationalist policy in Taiwan used reserved seats to “manipulate vote distribution in order to maximize their seat shares” (210) Once again, this demonstrates that parties tend to manipulate gender quota systems for their own benefit. Taiwan’s reserved-seat quota has become something of a ceiling in that parties usually nominate women just to capture the few reserved seats that are required (210).

Impact of Reserved Seats on Substantive Representation: The Case of Domestic Violence

Legislation in Rwanda and Taiwan

Rwanda

In 2006, the Rwandan parliament prepared a domestic violence law in its first session (Tinker 2009, 7). The newly elected women members of parliament were determined to introduce a bill to address violence against women especially because, in Rwanda, traditional practices such as bride price and polygamy are the norm (11). A caucus for women MPs called the Forum of Women Parliamentarians (FWP) drafted a gender-based violence bill, resulting in the 2008 Law on Prevention and Punishment of Gender-Based Violence (Burnet 2011, 314). This legislation added important protections to women’s rights and made domestic violence illegal under Rwandan law (314). These legal protections for women empowered them to balance domestic responsibilities and become more

economically independent (320). An increased percentage even began to pursue entrepreneurship (320). As a result of the 2008 domestic violence law and other legislation, Rwandan women achieved more respect from family and community members (320). The following is an account on one person's interview with a Rwandan woman after the enactment of the domestic violence legislation:

“In response to a follow-up question about...domestic violence in the region, one woman explained that husbands no longer hit their wives ‘because of awareness-raising campaigns and because men have realized the dignity of women (agaciro k’umugore).’ This woman implicitly linked quotas to the government’s awareness campaigns against domestic violence and explicitly linked the campaigns to the changed attitudes of men.” (320)

While some women experienced positive changes after the 2008 gender-based violence law, this is not the case for all women. Gender-based violence in Rwanda is still widespread. “Many women interviewed in 2009, whether they thought gender roles in Rwanda had changed a lot or “not at all” as a result of quotas, said that the gender revolution in Rwanda had increased domestic conflict for some families.” (324) More legal protections, increased participation in formal politics, and increased economic independency for women often resulted in friction with male family members and marital discord (303). This, in turn, led, for some women, to *more* domestic violence. The current victims of domestic violence in Rwanda are especially unlikely to achieve redress for the crimes committed against them because of the many accounts that the 2008 domestic violence law was effective and domestic violence is no longer a concern.

Taiwan

Taiwan has dramatically improved its response to domestic violence within the last few decades (Chao 2005, 29). It became “the first East Asian country to pass major legislation criminalizing domestic violence” when it enacted the Domestic Violence Prevention and Treatment Act six years after its first parliamentary elections on June 24th, 1998 (29). This landmark legislation is even more impressive “when one understands the aspects of Taiwan’s society that tolerated and encouraged domestic violence against women” (32). Taiwanese Neo-Confucian principles “define patrilineal

extended families, not individuals, as the basic economic unit” (32). Women in Taiwan were once “bought, sold, rented out, worked, and beaten” (32). Unfortunately, traces of this patriarchal system extended to present-day Taiwan (32). A strong mindset persists that “women should just endure whatever treatment they receive from their husbands because their husbands work all day for the family” (32). Taiwanese culture also encourages family cohesion even at the expense of personal safety and considers domestic violence strictly a family issue that must be resolved within the family (32). In some cases, domestic abuse is even considered an “acceptable means of expressing anger” (32). These cultural attitudes coupled with “political-economic constraints” stopped many Taiwanese women from leaving abusive relationships (33). Before the 1980s, nearly all single working mothers in Taiwan struggled with economic instability even if they were working full-time jobs (33). They faced little to no government services or social welfare to survive on their own, legal barriers, and difficulty attaining divorce from their abusers (33).

The Legislative Yuan made a strong attempt to eliminate these obstacles for women in passing the Domestic Violence Treatment and Prevention Act (DVPTA) of 1998. It not only criminalized domestic violence, but also fostered the idea that the government has “the right and the responsibility to intervene in family affairs” (41). After the law was passed, the government “allocated more money to domestic violence prevention and treatment” and government sectors were given more responsibilities to respond to domestic violence cases (41). The Taipei City Government responded to the act by establishing the Domestic Violence and Sexual Assault Prevention Center – providing women with access to a wide range of domestic violence and social service agencies (41). The DVPTA also “required city governments to allocate part of their budgets to domestic violence work and to establish domestic violence prevention centers” and gave new responsibilities for service workers and officials (41-42).

Unfortunately, domestic violence is still a problem in Taiwan even 20 years after the enactment of the DVPTA. Rates of domestic violence “[are] on the rise...despite an increase in public awareness of the problem” (Hou, Wang, and Chung 2005, 629). A Ministry of Health and Welfare survey of 529 women ages 18 to 74 last March found “26 percent of respondents had encountered abuse from an intimate partner at some point in their life, with psychological abuse being most common (suffered by 21 percent of respondents)” (Lubin 2017). NGOs and academic studies estimated that the total number of sexual assaults in Taiwan was seven to ten times what was reported to police last year (Lubin 2017). Some judges “still fail to understand victims’ situations and...refuse to grant protection orders or take the word of the victim that a domestic situation is dangerous” (Chao 2005, 43). Occasionally when a victim requests a protection order, “the judge advises her to drop the request in an effort to keep her family intact” (43). Taiwanese women are now much more “educated and economically independent” than they were in 1980, but they still earn “only 70 percent on average of what men earn” (34). All of this suggests that women are still vulnerable to domestic violence and face the same economic insecurities as they did before the DVPTA was passed.

Impact of Reserved Seats on Overall Levels of Gender and Democratic Development in Rwanda and Taiwan

My research suggests that the implementation of reserved seats in either Rwanda or Taiwan did not lead to significant positive changes in either GDI or HDI. GDI in Rwanda increased only a mere 1.623% during the ten years after implementing gender quotas. This value is well below the 2.06% world GDI rate of change during the same time period. Rwanda’s GDI today is still in the tier 3 range according to the UN. HDI in Rwanda increased a drastic 35.294% during the ten years after gender quota implementation, but that increase can be attributed to the aftermath of the Rwandan genocide (including the scrutiny on human rights and influx of international aid and attention that followed). Rwanda’s Freedom Score did not improve during the ten years after quota implementation. In fact, its

civil liberties score dropped from a 5 to a 6, while its political rights score remained at a 5. The Transparency International corruption score in Rwanda has stayed the same for the past seven years, unaffected by quota implementation. Perhaps most concerning is that Rwanda's reserved-seat quotas did not prevent the Rwandan state from becoming more authoritarian. Scholars claim that the Rwandan state is becoming "increasingly authoritarian under the guise of 'democratization'" after quota implementation (363). Women's agency in Rwanda, despite the intervention of reserved-seat quotas, is severely "circumscribed by a male authoritarian leader" (Tinker 2009, 13).

Because Taiwan is not an officially recognized state, it does not have GDI or HDI values provided by the UN. However, data on Gross National Income, life expectancy, and mean years of schooling suggest that Taiwan would be tier-one in gender development and human development if the UN were to include it in its database. The Per Capita GNI in Taiwan rose from 11,000 US dollars in 1992 (the year of first parliamentary elections) to 13,990 US dollars in 2002 (National Statistics ROC). By 2012, Per Capita GNI was 21,922 US dollars (National Statistics ROC). Women "continue to earn less on average than men in Taiwan" (Cheng-wei and Kao 2017). However, this disparity in earnings is steadily decreasing. In 2015, "female employees earned an average of 14.5 percent less than men in terms of hourly salary, according to a 2017 gender workplace report by the Directorate General of Budget, Accounting and Statistics" (Cheng-wei and Kao 2017). However, women's average earnings increased by 21.1 percent from 2005 – 2015 – a higher rate than men's 13.8 percent (Cheng-wei and Kao 2017).

Average life expectancy in Taiwan is likewise increasing for both males and females. From 1992 to 2002, life expectancy in Taiwan was consistently higher than 71.83 years for males and 77.14 for females (National Statistics ROC). The Pew Research Center states that the mean years of schooling in Taiwan is 11.3 years for males and 10.3 years for females (Pew Research Center 2016). These values increased since the Taiwanese Ministry of Education initiated a new "12-year Curriculum for Basic

Education” in 2014 (Chen and Fan 2014). Taiwan’s expenditure for the entire educational trajectory of each student is about \$203,828, and a substantial number of students attend primary or junior high school, secondary school, and go on to higher education (National Statistics ROC). A newspaper published in Taiwan stated, “If the Republic of China was included in the United Nations Human Development Report, it would come in at number 18 in the Human Development Index (HDI) and place fourth in the Gender Inequality Index (GII) based on calculations by the Directorate-General of Budget, Accounting and Statistics (DGBAS) under the Executive Yuan” (The China Post 2011).

Discussion

The reserved seat gender quota system in both Rwanda and Taiwan did allow for more substantive representation in parliament in terms of legislation passed pertaining to “women’s issues,” but this legislation was not well-implemented in either state. The bills did not successfully curb levels of domestic violence to the extent intended. Thus, violence against women remains a problem in both countries even after the enactment of comprehensive domestic violence legislation, due to the persistence of more systemic factors (cultural). Reserved-seat quotas yield quick results. They are perhaps the quickest of all gender quota systems. Unfortunately, they are also problematic because they provide a quick fix for an issue that requires long-term, systemic changes. Reserved-seat quotas do not significantly help experienced female representatives to transition to open seats. The data is also unclear about the impact of reserved seats in strengthening overall democratic and gender egalitarian trends; in Rwanda they were not able to positively impact GDI under the period in question but do correlate with a period of strong HDI growth, while in Taiwan, reserved seats for women during the period of influence of the Legislative Yuan (post-1992) does correlate with observable growth in GDI and HDI as measured through surrogate variable.

CHAPTER 4: No Quotas

“... while unequal patterns of office distribution can be effectively fixed through gender quotas, this ‘simple’ solution cannot automatically subvert the main informal sources of male power in the party organization” (Verge and Fuente 2014, 67).

Some states choose not to implement gender quotas on the grounds that a single policy cannot eliminate long-term, ubiquitous male domination of the political arena. No matter how many women members of parliament a quota mandates in the national legislature or in party slates, it does not change the fact that parliament is a masculine domain. The mindset that gender quotas do not suffice to change the male dominated nature of formal politics is growing more prominent in feminist discourse. Many progressives “resist quotas because they fear that these essentialize gender differences” and draw an even stronger line between male and female politicians (Krook 2009, 47). The concern is that gender quota implementation, by increasing the number of female representatives, will *worsen* the women’s discrimination in parliament because it will make them more of a threat to their male counterparts. Many argue that “different quota systems present different levels of threat to majority men” (Hughes 2011, 604). When the quantity of women members of parliament reaches critical mass, it threatens male politicians. Thus, women MPs in some national legislatures that have achieved a critical female mass may, ironically, be in a more vulnerable and dangerous position than women MPs in national legislatures with a small percentage of females. This is the reason some progressives cite for not implementing gender quotas at the parliamentary level.

In states that do not implement gender quotas at the national level, non-constitutional or non-governmental structures often fill the void by fighting for gender equity. The quest for gender equity in India is largely carried out by women’s organizations (both civil society and quasi-state) in the absence of gender quotas. While local Indian governments have “promulgated a number of laws and policies to promote gender equity,” including a 33% quota in local government bodies, there are no gender quotas implemented at the national level in either the Lok Sabha or Rajya Sabha (Basu 2019, 253). Even

though the Parliament of India does not have gender quotas in place, it did pass the National Commission for Women Act of 1990 which created a statutory, non-constitutional body tasked with redressing grievances and “accelerating the social-economic development of women” (NCW APPS). The National Commission for Women (NCW) serves as a statutory national organization in India with the mandate of “protecting and promoting the interests of women” (NCW APPS). It was created to (1) review the Constitutional and Legal safeguards for women; (2) recommend remedial legislative measures; (3) facilitate redressal of grievances; and (4) advise the Government on all policy matters affecting women (NCW APPS).

Women in India have a host of concerns and grievances relating to their representation in parliament. Women as a political group in India are considered “less important than religious, caste, and regional groupings” because they do not vote as a bloc. Women’s representation in formal politics is also scarce. Indian women have a strong presence in civil society, but their representation in formal politics, particularly the national legislature, is historically and consistently low (Basu 2019, 258). The impact that women have through their participation in informal politics is also limited because the Indian state actively suppresses civil society (257). The Indian state has led an “onslaught” against NGOs and advocacy groups since 2010 in response to NGO “critique of state actions in violation of human rights” (257). The Indian state’s repression of civil society also limits the possibilities for women’s inclusion in formal politics because it restricts “how women’s groups can mobilize in support of gender equity” (257).

The proportion of seats held by women in the Parliament of India is currently 14.36% (78 women MPs out of 543) – which is a 32% increase from its 2010 value (10.80%) and a 73% increase from its 2005 value (8.30%) (Index Mundi). Even though women have a larger presence in parliament and head many major political parties, they also face “deep-seated gender bias when it comes to contesting elections and are discriminated against within the rank-and-file of major political parties”

(Basu 2019, 258). This puts women in a concerning position in which they struggle to win seats and are poorly represented because politicians aren't incentivized to win their vote.

A crucial dimension of Indian parliamentary politics that influenced women's participation during the 1990s was its transition from single-party rule to coalition governments. Following the year 1990, regional parties began forming coalition governments that "changed power relations between the centre and the states" (256). The "absence of a dominant ruling party at the center has...influenced women's inclusion in politics at the national level, how agendas around women's rights are framed by the government, and how the women's movement actors engage with political elites" (257). Coalition politics caused elite support for policies pertaining to gender equity to wax and wane, depending on whether women's issues were considered important by coalition partners (257). Thus, the lack of a single dominant party in India altered women's ability to participate in formal politics. It changed the power relationship between female and male politicians, and the Indian parliament's prioritization of women's issues. As an example, the Congress Party led a coalition of as many as 19 regional political parties in order to emerge victorious in the 2004 General Elections (Ahmad and Nilofer 2009, 758). The party failed secure a clear majority on its own, but it did manage to woo enough left parties to overtake the BJP-led coalition (758). Since most of the regional parties in the congress-led alliance were left of center, the period after the 2004 elections was (arguably) one of space for women to engage in formal and informal politics. The left parties that allied with the Congress Party prioritized gender equity and women's inclusion in politics at the national level. This may account for some of the increase in female parliamentarians since 2005.

Finland is unique in the world in that the proportion of women members of parliament in has been consistently high over the long-term even without any formal gender quotas. In 1906 Finland's national assembly (Eduskunta) "became the first parliament in the world to adopt full gender equality" (Korpela 2006). It successfully "[granted] equally to all men and women the right not only to vote but

also to stand for election” (Korpela 2006). It is “the first country in Europe to allow universal and equal suffrage” (Korpela 2006). When the Finnish state extended voting rights to all citizens regardless of gender or class, it increased the number of enfranchised persons ten-fold (Korpela 2006). Today, the Finnish parliament has the eighth highest proportion of female representatives in the world (Index Mundi). The proportion of women MPs in Finland is also rising. Female representatives in Finland increased from 40% in 2010 to 47% in 2019 – a substantial 17.5% increase (Index Mundi). Finland’s parliament contains 200 seats, and there are nine registered political parties that compete for them. No one party “is likely to win absolute majority in parliamentary elections” (Korpela 2006).

Impact of No Quotas on Substantive Representation: The Case of Domestic Violence Legislation in India and Finland

India

India has managed to pass domestic violence legislation even without quotas in place that resembles legislation passed in places with quotas. However, it suffers from the same problems of implementation that we have seen throughout this thesis. The Indian Parliament revealed its most recent domestic violence law, the Protection of Women from Domestic Violence Act (PWDVA), to the public on International Women’s Day in 2002 (Ahmed-Ghosh 2004, 94). The campaign for the enactment of the PWDVA began in the early 1990s and spanned a decade (Basu 2019, 259). For the first ten years of the campaign, the bill underwent an “initial phase of drafting and consultations” (259). In 1993, the National Commission of Women (NCW) “asked the Lawyers Collective to prepare the first draft of a civil law on domestic violence” (259). The Lawyer’s Collective organized a colloquium of lawyers, academics, women’s rights activists, and judges to revise the bill in 1998 – helping to “introduce the concept of domestic violence as a legal tender in India” (260). The legislative agenda to improve domestic violence legislation gained even more momentum when the 2000 Committee on the Elimination of Discrimination Against Women (CEDAW) report included concerns that India should

“strengthen law enforcement and introduce reforms proposed by the NCW...with regard to the law on rape, sexual assault, and domestic violence (261). In 2001, the BJP-led National Democratic Alliance (NDA) officially introduced the bill, thereby beginning the legislative process (259). The NDA kept the PWDVA legislative process going for three years, however its draft bills exhibited the BJP’s “minimalist position on the rights of women within marriage,” and women’s groups considered them unsatisfactory (262-263). In 2004, the United Progressive Alliance (UPA) was voted into power and signaled a “change in government that brought Left parties into the coalition” (259). It made domestic violence a new legislative priority and invited women’s groups to provide input on the new law. The UPA provided such a strong left addition to the coalition government that the PWDVA was passed unanimously by both the Lok Sabha and Rajya Sabha in 2005 (259).

The PWDVA is a landmark piece of legislation because it expanded the definition of domestic violence beyond physical violence “to include verbal, emotional, sexual, and economic forms of violence” (264). The legislation “mandates civil reliefs to protect women from domestic violence and recognizes women’s right to reside in the shared household” (258). However, it “does not displace existing religious family laws” to avoid clashing with the personal law regime (258). The PWDVA definition of domestic violence includes: restrictions on employment or education, preventing a woman from marrying the person of her choice, controlling a women’s income, and denying a woman’s access to her own family assets as acts of domestic violence (Mukhhopadhyay 2019, 356). It contained multiple provisions for relief such as protection orders, residence orders, orders for monetary relief, and compensation orders (265). Even after the Indian state passed the PWDVA, however, domestic violence is still a problem.

The PWDVA was created as an emergency legislation to provide immediate relief to women survivors, to stop violence, and to equalize the home (Basu 2019, 265). However, it failed to provide this relief. The rules outlined in the PWDVA “provide some guidance on how the law is to be enforced,” but

there is no central policy on the implementation of the law or specific mechanisms for monitoring it at the central level (267). This has created variation in implementation practices at the state level (267). For example, government officers are often asked to double as protection officers without being properly trained in localities that have limited resources (268). Without sufficient personnel to staff service centers, and without proper funding or new infrastructure to provide these services, women's access to quality shelters, medical facilities, counseling, and litigation services is consistently poor (268). The PWDVA prescribes a limited role for the police, but most women are unaware of PWDVA regulations and thus the police are usually their first port of call (268). Unfortunately, "patriarchal mindsets persist among the police, wherein they believe that domestic violence is a family problem that can be resolved through counseling and reconciliation (268). The police in most cases "conduct counseling themselves or refer claimants to counseling cells" (268)

The patriarchal mindset that persists in the Indian police force is also present in other institutional systems. Patriarchal attitudes among "key implementing authorities," especially the courts, impede the PWDVA's effective functioning (269). The Indian criminal justice system lacks both resources and the collective goal towards gender nondiscrimination that is required for the PWDVA to function. Unfortunately, there is "a multitude of cultural histories" in India that "[influence] the norms and practices relating to domestic violence" (Hackett 2011, 269). Generally, Indian women are "viewed as an economic liability in natal home and a burden in the marital home" (Prakash 2011, 94). They still encounter "enormous obstacles in their search for redress when they suffer abuse in the name of custom or tradition" (95). Patriarchy, discriminatory customs and values, caste-based discrimination, high illiteracy rates, and high poverty rates are still pervasive today (90). Thus, incidences of sexual abuse and domestic violence are high. Out of 150 respondents in a survey given to Indian women, 14% (or 21 women) had experienced violence (97). Not a single victim out of those 21 cases reported to the police or even consulted an NGO (97).

Neither male nor female members of parliament are incentivized to act on the implementation of the PWDVA even though the current legislation is not effectively reducing levels of domestic violence. “Politically, the implementation of PWDVA is not a key area of concern for MPs because it offers few opportunities for increased legitimacy, more votes, or distributing patronage” (Basu 2019, 270).

Discussion relating to PWDVA implementation are raised only sporadically in parliament (270). What’s more, “the MPs representing states with high reportage of domestic violence [are] not necessarily the ones raising questions in parliament” (270). This suggests that members of parliament are incentivized to address the PWDVA’s shortcomings not by their own constituents, but by their own political goals and self-interests. The excerpt reveals that the members of parliament, both male and female, are reluctant to prioritize their constituents’ substantive representation unless they are given alternative incentives to do so (e.g. patronage, votes). It also reveals that gender equity is “not a priority issue for the state” (270).

Finland

Finland is often championed as a paragon of gender equality and indeed Finland’s formal political institutions are among the most gender equitable in the world. However, despite this achievement, there remains a major endemic problem of domestic violence in the country (Hopkins 2013). Finland’s domestic violence levels are much higher than its Nordic counterparts and almost twice the European average at 43.5% (Hopkins 2013). It is frequently admonished by the United Nations High Commissioner for Human Rights, the body tasked with implementing the Convention Elimination of Discrimination Against Women (CEDAW) (Hopkins 2013). Twenty percent of all homicides in Finland are attributed to a woman’s death at the hands of a current or former partner, according to the National Research Institute of Legal Policy (Hopkins 2013). Finland also does not have a sufficient amount of shelters for domestic abuse victims—there are only twenty-one shelters in the entire country, five times

less than the European Council recommends. Finland did not criminalize rape until 1994, and also relies heavily on mediation rather than the court system to resolve issues of domestic violence against women.

Intimate partner violence in Finland is “internally recognized as a pervasive and underreported social and public health problem” (Clarke 2011, 9). Finnish laws regarding domestic violence and rape in marriage were first debated in the Finnish Parliament in the 1970s, however, the first major piece of legislation to address domestic violence was only enacted in 1994 (12). Most Finnish laws regarding domestic violence “fall under the category of violence rather than violence against women, a distinction that makes it difficult to ascertain the true extent of intimate partner violence” (12). Finland was “one of the last countries in the European Union to criminalize rape in marriage in 1994” (12). From this point forward, however, it began to make great strides in domestic violence legislation. Under Finland’s 1995 Penal Code, assault in a private place such as a home became a mandatory public prosecutorial case (12). It therefore made domestic violence a public prosecution crime. The 1995 Penal Code also divided violence in the private sphere into three categories: petty assault, assault, and grievous bodily injury (National Report of Finland). Under this law, the police investigate “only when the victim of the crime demands that the perpetrator be punished” (National Report of Finland). All assault and grievous bodily injury cases are always investigated by the police when brought to their attention as public prosecution crimes. Until the 1990s, IPV was handled under an 1889 criminal law (Clarke 2011, 12). One of the most recent acts pertaining to domestic violence was a 2005 revision to the law on restraining orders. This revision allows restraining orders between two members of the same household (12).

Perhaps one of the greatest reasons why domestic violence is such a pervasive problem in Finland despite the enactment of ample legislation to address VAW is because of the public’s “resistance to feminism” (16). Gender equality is so strongly “enshrined” in the form of equitable wages and care support in the Finnish welfare state’s legislation that it led the public to avoid all discussion on violence against women (16). Paradoxically, the state’s focus on “women friendly” policies led to “a

general popular resistance to feminism that often silenced any discussion of gender violence” (16).

Today, “gender violence in the form of IPV and rape [is] a hidden issue that has been explained away by alcohol abuse or dysfunctional family dynamics” (16). This could perhaps explain why domestic violence remains a problem even though ample legislation was passed to prevent it.

Another reason why domestic violence remains a problem in Finland is because the state does not take violence in the private sphere as seriously as violence in the public sphere. A researcher of Intimate Partner Violence (IPV) in Finland writes:

“Domestic violence in Finland is legally defined as violence between people residing in the same household and who are considered to be family. Laws that address and make visible the complexity of prosecuting family members involved with IPV, such as mandatory prosecutions and restraining orders, came relatively late in Finland, as noted earlier. Despite legal reforms, some studies have suggested that authorities in Finland often do not take violence in the home as seriously as violence in public place” (Clarke 2011, 14).

This suggests that the Finish state does not take domestic violence seriously, resulting in high levels of IPV even with legislation in place to address the problem and generally high levels of gender equality throughout the system.

Impact of No Quotas on Overall Levels of Gender and Democratic Development in India and Finland

My research shows that the absence of gender quota implementation did correlate with consistent improvements in GDI and HDI in India but *not* in Finland. GDI in India increased by 6.937% from 2005 to 2015 (GDI value rose from 0.764 to 0.817) during the same period. India’s rate of almost 7% GDI growth is notable especially in comparison to the world rate of GDI increase of only 2.06% during the same time period. HDI in India increased by 16.327% from 2005 to 2015. This is more than double the 7.92% increase in the world HDI value during the same time period. However, GDI in Finland actually *decreased* by 0.999% from 2005 to 2015 (GDI value dropped from 1.001 to 0.991). Its HDI value increased by 2.682% during the same ten-year span. This difference in rates of change for HDI and GDI

values in India and Finland seem to be the result of their different stages of development, which includes a multitude of different factors.

India's freedom score has remained constant at a 2 in political rights and a 3 in civil liberties for the past 15 years. Its corruption score rose from 29 in 2005 to 38 in 2015 – a 31.034% increase. Finland's freedom score in both political rights and civil liberties has remained constant at a 1 for the past 25 years. Its corruption score dropped from 96 in 2005 to 90 in 2015 – a 6.25% decrease. This demonstrates that India and Finland have very different rates of change in Freedom Score and corruption score even though they are both without gender quotas. Again, the data appear to correlate to the two countries' different initial overall levels of economic and political development.

Discussion

Substantive representation by women MPs in India and Finland is strong even without gender quotas in terms of legislation passed pertaining to “women's issues,” but this legislation was not well-implemented in either state. Domestic violence legislation did not successfully curb levels of domestic violence. It is clear that the legislation was not effective because violence against women remains a problem in both countries. In India, incidences of domestic violence are high and the PWDVA does not include any specific mechanisms for oversight at the central level. It also doesn't hold the police accountable to provide victims with the help and protection that they need. In Finland, intimate partner violence is rampant to the extent that it is admonished by the UN and it still does not have enough shelters in place to protect victims. The fact that even Finland, a country with high gender development, struggles with the implementation of domestic violence legislation may suggest something about the nature of the problem of domestic violence. However, my qualitative and quantitative data suggests that countries without gender quotas in place fair just the same (if not better) than countries with gender quotas in terms of the legislation passed pertaining to women's issues and gender development. India's GDI and HDI increased far more than the world GDI and HDI – suggesting that India is making great

strides in terms of strengthening both its gender equity and its democracy, even in the absence of quotas. Many progressives believe that parliamentary systems are better off without gender quotas because they essentialize gender differences and make it more difficult for women to provide substantive representation. My research suggests that they may be right.

CONCLUSION

Gender quotas produce immediate results. They successfully increase the number of women parliamentarians. What's more, they often result in critical mass within only a few election cycles. They are successful in increasing the quantity of descriptive representation for women. However, critical mass does not equate to adequate substantive representation for women or result in effective legislation pertaining to women's issues. First and foremost, the critical mass threshold is based on the idea of women acting for women as a group. This is problematic for two reasons: (1) women are not a cohesive group and do not share the same interests and (2) female parliamentarians are not incentivized to advocate for women or prioritize "women's issues" in office because they are pressured to accept the hegemony of men. Gender quotas do not necessarily function properly because female representatives are forced to work within the male dominated political sphere. Even if women are "more active than men in sponsoring legislation that focuses on women's interests," they still must accept male hegemony and work within male confines when they do so (Bratton 2005, 97).

Despite the major flaws in gender politics' critical mass theory and the reasoning for gender quota implementation, my research suggests that gender quotas do in fact result in improved "substantive representation" for women when measured by the legislation passed pertaining to women's issues. In nearly all of my cases, new provisions were added to legislation to address domestic violence or new legislation was passed entirely. This was true in cases with and *without* gender quotas in place.

Case	Sweden	Turkey	Argentina	Nicaragua	Taiwan	Rwanda	Finland	India
Evidence Substantive Representation	Y	Y	Y	Y	Y	Y	Y	Y
ROC GDI > World ROC	N	N	N	Y		N	N	Y
ROC HDI > World ROC	N	N	Y	N		Y	N	Y

Figure 5: Summary of Findings – Substantive Representation, HDI, GDI

ROC = Rate of Change (during ten years after gender quota implementation)

Case	Sweden	Turkey	Argentina	Nicaragua	Taiwan	Rwanda	Finland	India
Change in Freedom Score	No Change	-	-	-	+	No Change	No Change	No Change
Change in Corruption Score		-	-	+	+		-	+

Figure 6: Summary of Findings – Change in Freedom Score and Corruption Score

Minus sign = decrease during ten years after implementation

Plus sign = increase during ten years after implementation

This research disproves causation between gender quota implementation and policy outputs that reflect the interests of women. Changes were made in domestic violence legislation in all of my cases regardless of whether or not they had gender quotas in place and irrespective of type of gender quota implemented. While it may be true that increased gender diversity is often accompanied by “greater overall focus on women’s issues” and policy change that reflects the interest of women, this does not necessarily mean that women representatives are not restrained as to their policy prioritization in the male dominated political arena (97). It also doesn’t mean that female parliamentarians are successfully providing substantive representation to all women. In fact, there is substantial evidence that “increased presence of a group in an organization may actually invite a backlash effect” – meaning that female legislators are often seen as a threat in parliaments that are approaching gender balance (103). Many women MPs are met with resistance in legislative debate as a result (103).

Changes were made to domestic violence legislation after gender quota implementation in all of my cases. However, this new domestic violence legislation was not well implemented or fully successful in resolving domestic violence problems in any case. This perhaps says something about the nature of

the problem of domestic violence. It is plausible that legislation cannot resolve the problem of domestic violence alone. Gender quotas may successfully improve substantive representation for women by allowing female representatives to prioritize policy pertaining to women's issues and pass legislation. However, this legislation is not well implemented in any case under review here: I argue that this is because of deeper, abiding institutional gender biases and patriarchal social and political systems that cannot be remedied through the "quick fix" of gender quotas.

This suggests that legislation alone cannot fix the problem of domestic violence. Similarly, I argue that gender quotas alone cannot fix the problem of gender equity in parliamentary representation. Gender quotas are a short-term solution to fix a problem that requires systemic and societal changes. Without long-term systemic changes in place, the legislation passed in parliaments with or without gender quotas in place will not be well enforced or implemented because our patriarchal society does not give women the services they need.

Furthermore, my research does not suggest that gender quotas are uniformly successful in strengthening democracies as measured by rates of change in GDI and HDI values. The rates of change in GDI and HDI values in one of my cases *without* quotas (India) was *higher* than all cases with quotas. The rates of change in GDI and HDI values in cases with quotas also were not consistently higher than world GDI and HDI rates of change. In some, GDI and HDI values did not increase in the aftermath of gender quota implementation at a rate greater than world GDI and HDI rates of change. In only one case, Nicaragua, did the rate of GDI increase exceed that of the world average, while in only two cases, Argentina and Rwanda, did the rate of HDI increase exceed that of the world average. Furthermore, there is no usable finding regarding the impact of quotas on GDI / HDI change in "less developed" versus "more developed" countries (Nicaragua and Rwanda are less developed, but Argentina is more developed) These findings suggest that gender quotas do not uniformly result in greater gender development or human development improvements in comparison to *world* gender development and

human development. The evidence presented here regarding impact of gender quotas on Freedom Scores and corruption scores also demonstrates that countries with gender quotas in place do not exhibit improvements in the realm of political rights, civil liberties, and transparency.

Policy Recommendations

The evidence presented in this thesis suggests that gender quotas are not necessary to increase gender diversity in parliament or to produce legislation that reflects women's interests. It also suggests that gender quotas are not necessary to strengthen democracy in terms of improved gender development or human development scores, or Freedom Scores and corruption measures. My research suggests that gender quotas are imperfect interventions and thus are imprudent mandates from the international community. Instead, states should focus on eliminating more systematic and abiding sources of gender biases in states and societies. For example, they should work on eliminating gender bias in parliamentary systems and amongst government officials (e.g. police, party leadership). States can weaken patriarchal systems by monitoring the behavior of state actors thereby giving women the space to run for office and the space to prioritize policy when they are elected. The state discredits women by requiring a certain number of women to be required in party slates or reserving a certain number of seats for women in parliament. Instead, it should encourage women to run and secure a seat in parliament on their own accord and enforce a gender bias nontoleration policy to protect them while in office. While gender quotas are a tempting intervention, promising a quick and easy "one time" fix, the reality is that gender bias is deeply pervasive throughout states and societies around the world, regardless of geography or degree of political development. The hard work of eroding centuries of patriarchal social and political institutions is more multifaceted and long-term than quotas can address.

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