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Ensuring Equal Gender Representation in Electoral Reform

Four years have passed since the Albanian movement advocating for women's participation in the decision-making processes was crowned with the sanctioning of gender quota in the Law. More specifically, the Law on Gender Equality in the Society (2008) and the Electoral Code (2009) introduced an equal gender representation quota, coupled with a system of ensuring measures. Now, on the verge of the electoral reform finalization, it is necessary to reintroduce the focus on issues that continue to challenge the gender quota formula and its results. It should be admitted that the results so far have been inadequate. In both national and local elections women's representation was far from meeting the quota requirements, which was set at over 30% for both sexes. Indeed, the dire situation was noticed as early as it was indicted by the figures and ranking in the electoral' lists of candidates. As a result, women's participation in the Parliament increased only to 16.7% from 7% in the 2009 legislative elections. After the May 2011 local elections, only 1.31% of the elected mayors were women, while 12.4% of the elected members of local councils were women.

Based on the above results, several questions can be raised. Quota-skeptics have constantly tried to grapple with one of them: is there a real value in the sanctioning of the quota by Law? The controversy and critical attitude towards this measure was especially felt on the verge of the adoption of the relevant legal provision—the quota was accused of being a measure of discrimination against men and a violation of meritocracy. This controversy seems somewhat overcome now. There are, however, several reasons for believing that, in addition to other factors, skepticism and criticism have seriously harmed the political parties and electoral subjects' attitude to such positive measures as the quotas. The international and, especially, European practice has shown that the success of the quotas does not simply rely on their provision in the Constitution or the Law, but, rather, on the real efforts made for observing them. The main implementation players of the system are the political parties, without which the quotas become quite unsuccessful. In Scandinavian countries, which are the best example of gender equality in terms of political representation (34-47%) a legislative quota has never been

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adopted. The quotas have predominantly been provided for in political party statutes, and, in some countries no quotas have ever been written down in any statutes. Sweden, where quotas are provided for by political parties, has been achieving women's representation in the Parliament over 47% for some time. Finland and Denmark, too, where there are no special quota systems, are among the countries with the highest representation of women in Europe.

The situation of addressing the issue of quotas has radically changed in the EU Member States. The Spanish Constitutional Court Decision of 29 January 2008 put forward a series of arguments for legitimating the quota system as fully constitutional. It contradicted the decisions previously issued by the Courts of France and Italy, which had considered the quotas as discriminatory. The quota controversy has developed the constitutional logic and notions. Thus, from an initial attempt to justify it with the concept of "positive discrimination", it has been increasingly covered by the concept of describing the quota as a "positive measure" or an "equity measure" for compensating for the traditional structural discrimination against women. We are moving from a liberal notion of "equal opportunities" to the concept of "equal results", which implies real equality rather than merely formal equality.

In this context, it should be noted that quotas have become more popular in the Balkans. All the Western Balkan countries have provided for quotas in their electoral laws. However, these countries are still at the lowest rates of women's representation (10-20%). There have also been, however, cases with significant representation, such as the case of Macedonia following the introduction of quotas in 2006. While Albania has already introduced a quota in its Law, it still has the lowest representation of women in its elected bodies. The causes of this situation should be analyzed. One of the key issues that have been identified is the lack of education among women. In Albania, however, this issue is not significant. The number of educated women is significantly high up to the third cycle of university studies: doctorate degrees. This is also the reason for a significant degree of representation in various professions, including law and education. In addition, the participation of Albanian women is also significant in civil society organizations including in both, staff and management. We think that what needs improving is membership in political parties, as their representation is quite low there. In this respect, attention should also be paid to economic empowerment of women, which will, among other things, contribute to increasing women's involvement in politics. It is important for this change

to also be seen from a demographic perspective, trying to especially develop rural areas and some areas in Albania where political representation is still the men's domain.

On a global scale, Albania does not show any serious problems regarding the achievement of gender quotas; on the contrary, there are some quite optimistic examples. The involvement of parliamentary women in the last legislature was significant and with a strong impact on some key issues, especially with regard to the adoption of new laws by qualified majority, the Law against Domestic Violence, the Law against Discrimination, etc. In addition, female MPs and lawyers' inputs to the recent Criminal Code amendments were broadly recognized. The Speaker of the Parliament—also a woman—has shown a strong political consistency. Women in politics have shown their vision, and have not focused only on women and children's issues. They have also been actively involved in pan-national policy issues, and have thus gained a broader representative identity. The examples above clearly indicate that Albanian women are capable of quickly dismissing the myth that only men have the appropriate representation potential and qualities.

The issue that emerges now is: How can we make the quotas work and achieve their goals? In this context, the Parliament and its Electoral Reform Committee have an opportunity of sanctioning all the required assurances in the Electoral Code. The political parties have the opportunity to respond to this challenge with serious efforts. All researches share the conclusion that the proportional electoral system in Albania is considered as the most suitable system for the implementation of the gender quota. Thus, we can make use of this technical facility. In addition, an efficient system of candidates' ranking rules is required to ensure the implementation of the quota. The system of fines imposed on electoral subjects failing to observe the quota is a key measure, which is not, however, enough. Experience has shown that the biggest assurances come from the observance of the number of list candidates and their rank order. Unless candidates of both genders are alternately ranked across the lists, nothing new can be expected. For this reason, the efforts of the four ad hoc Civil Society coalitions have focused on this issue, which is also being supported by UN Women in a dedicated way. It is time we made this change. The entire society is prepared and expects a parliament where at least 30% of the seats are taken by women. This would make for a sound achievement for Albania in its bid for European Union membership candidacy. We do not think this is "too good to be true". It is

entirely feasible. All it takes is for the political parties to accept the reality and demonstrate the appropriate political will.