CCHR Briefing Note – September 2012
Female Political Representation and Electoral Gender Quota Systems

Introduction
This briefing note provides an overview of electoral quota systems, which are used in a number of countries to increase representation of women in politics; analyzes their potential benefits; and offers recommendations for the implementation of such a system in Cambodia to address under-representation of women in national and subnational politics. The Royal Government of Cambodia (“RGC”) has committed itself to promoting gender equality through Target 7 of Goal 3 of the Cambodian Millennium Development Goal (“CMDG 3”), which seeks to “eliminate gender disparities in public institutions” by increasing the proportion of seats held by women in various governmental and administrative bodies.\(^1\) The targets are to increase female representation in the National Assembly and Senate to a minimum of 30% and in the Commune/Sangkat Councils to a minimum of 25% by 2015. These commitments have been complemented by various other government policy documents, such as Neary Rattanak I-III, and the National Strategic Development Plan I-II (“NSDP”), both of which provide an extensive outline of the goals, activities, monitoring indicators, conducting agencies and resources for the promotion of gender equality.\(^2\)

Despite these commitments, women remain under-represented in politics, with the level of female representation in some bodies even decreasing in recent elections. In 2003, female representation on the candidate lists for the National Assembly elections amounted to 27%, yet dropped to 12.2% in the 2008 elections, decreasing the overall level of female representation in that body to just 22%. In the Senate, women’s representation has remained at only 14.75% for the past 13 years.\(^3\) Cambodia’s subnational level also appears to be in need of an affirmative action mechanism. In the recent 2012 Commune/Sangkat Council elections, women were elected to just 17.79% of council positions, with only 501 women (representing just 0.45% of total candidates) being placed in the first spot on the candidate lists.\(^4\) These statistics demonstrate the lack of concrete implementation of CMDG commitments and have fuelled calls for the introduction of an electoral quota system to help bridge the gap between government rhetoric and political reality.

This briefing note is written by the Cambodian Center for Human Rights (“CCHR”), a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

Types of Quota Systems
A quota system is an affirmative action (or positive discrimination) mechanism that requires a certain percentage of a subgroup of the general population to be represented in a body or institution. Percentages


\(^3\) Source: Ministry of Women’s Affairs; [http://mwa.gov.kh/en/progress-women-decision-making] [accessed 22/08/12]

are usually determined based on the current representational status of the group and the goals associated with increasing representation of that particular group. Although this briefing note focuses on quota systems as they relate to increasing representation of women in politics, quota systems can also be applied to address under-representation of regional, ethnic, linguistic or religious minorities. In the case of women, quotas generally specifically target women – usually in the form of a minimum requirement of 30 to 50% of women on candidate lists, in parliamentary bodies or other governmental bodies – but can sometimes be gender-neutral – such as 50:50 quotas or requirements that representation shall not exceed a certain percentage for either gender. Although research has shown that gender quotas are capable of working in any type of political system, from democracies to authoritarian regimes, quotas are easier to implement in proportional representation (“PR”) systems and even more so in PR systems that operate with closed party lists rather than open party lists.

As of 2010, at least 90 countries worldwide had some type of an electoral gender quota to address under-representation within the lower or single chamber of their national parliament. Of these, 33 had implemented a legislated candidate quota system and 16 a reserved seat system. In 54 countries, at least some political parties had incorporated voluntary candidate quota systems. While candidate quotas – both mandatory and voluntary – are most often found in Latin America and Europe, reserved seat systems are found only in Africa and Asia. Of the 10 countries that make up the Association of Southeast Asian Nations (“ASEAN”), only three have some sort of quota system: Indonesia, with a legislated candidate quota system for the lower house; the Philippines, with reserved seats at the sub-national level and voluntary candidate quotas adopted by two political parties; and Thailand, where one party has adopted a voluntary candidate quota. It should be noted that more than one quota system can be found in some countries. These three main types of quota systems are explained below.

Voluntary Candidate Quotas

Voluntary candidate quotas can be adopted by individual political parties, within their internal party regulations, as a form of self-commitment to increase gender equality in politics. Research has shown that parties on the left side of the ideological spectrum, such as social-democratic, socialist or green parties, are more likely to include a women’s quota within their party framework, whereas conservative parties tend to reject affirmative action mechanisms. Voluntary party quotas are most common in Western countries, where many political parties have not only incorporated these quota systems in their regulations, but consistently respect them. In Sweden for instance, where several political parties have introduced voluntary candidate quotas of 50%, the country has achieved near electoral parity with 45% of female representation in the lower chamber. By adopting voluntary quotas, political parties can demonstrate

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3 The Institute for Inclusive Security, March 2009, ‘Strategies for Policymakers: Bringing Women into Government’ (p.3) [accessed 5 September 2012].
4 Up-to-date global statistics on quota systems are hard to come by, as quota systems – both voluntary and legislated – are often changed, added or withdrawn. These statistics are therefore estimates and may not reflect the current situation exactly. Information on country-specific quota systems can be found at [http://www.quotaproject.org/](http://www.quotaproject.org/).
8 Quota Project, data available at [http://www.quotaproject.org/uid/countryview.cfm?id=157](http://www.quotaproject.org/uid/countryview.cfm?id=157) [accessed 3 September 2012].
their commitment to progressive policies and to the equitable inclusion of women at all levels of government.

Since there is no legal requirement for the parties to implement their chosen target, sanctions for non-compliance are uncommon. In theory, the impact non-compliance might have on the party’s reputation and pressure from other parties or the public increase the chance that a party actually makes an effort to implement an officially declared quota. Nevertheless, the gap between voluntary quotas and actual representation in many countries indicates that many parties that have incorporated voluntary gender quotas have regularly failed to implement them, resulting in little, if any, impact on women’s political representation. Moreover, voluntary quotas are often implemented by only one or few political parties in a country, further diminishing the impact in countries where multiple parties compete for elections.

**Legislated Candidate Quotas**

Candidate quotas can also be included as an obligatory requirement in a country’s legislative framework within the constitution or as part of the electoral law. Under these mandatory quota systems, all parties are legally required to register a certain percentage of women candidates on their party lists. Quotas are usually legislated for the lower or single chamber of parliament and/or at the subnational level, for which elections are more generally undertaken using a PR list system, whereas elections for upper chambers often occurs indirectly or by appointment. Quota percentages typically range from 30%, as in Argentina and Brazil, to as much as 50%, such as in France.\(^{13}\) Mandatory candidate quotas are primarily used in Latin America, but are also found in parts of Europe, such as in Belgium, France, Spain and the Balkans, and have recently been adopted in East Timor and Indonesia.\(^{14}\) Failure to comply with these legal requirements can result in sanctions in the form of financial penalties, the rejection of the proposed party list or the disqualification of candidates.

Legislated candidate quotas do not preclude political parties from implementing voluntary candidate quotas that impose greater percentages of women candidates than that required by the legislated quota. For instance, in Mexico, where 40% legislated quotas have been implemented for both the Chamber of Deputies and the Senate, the Institutional Revolutionary Party has nevertheless incorporated a 50% quota for women in its party statutes.\(^{15}\)

**Placement Mandates for Candidate List Quotas**

In addition to legislated or voluntary candidate quotas, countries and political parties can implement additional mechanisms which regulate the rank order of candidates on candidate lists. These are often called “double quotas” or “placement mandates.” Because parties control where candidates are placed on lists, without these additional provisions, women are often put on the lower end of lists, which dramatically decreases their chances of winning seats. The problem is exacerbated in electoral districts with a small number of seats, where only the top ranked candidates on any list have a chance of winning a seat, as political parties, acting as the “gate-keepers,” often remain reluctant to rank women on such high positions on candidate lists.\(^{16}\)

The absence of additional mechanisms can have important implications. For example, while Argentina and Brazil both have legislated candidate list quotas of 30%, women’s representation in the Argentine lower

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\(^{13}\) Dahlerup, ‘Electoral Gender Quotas’, pp77-9

\(^{14}\) Dahlerup, ‘Electoral Gender Quotas’, p.79 & 84; and Dahlerup, How to Achieve the CMDG3, p.27.

\(^{15}\) Quota Project, data available at [http://www.quotaproject.org/uid/countryview.cfm?id=157](http://www.quotaproject.org/uid/countryview.cfm?id=157) [accessed 3 September 2012].

\(^{16}\) Dahlerup, How to Achieve CMDG3, pp15-6
chamber is 35%, compared to 8.8% in the Brazilian lower chamber. The striking difference in effectiveness between the two countries is most likely due to the fact that unlike in Argentina, there are no rules in Brazil regarding the rank order of the candidates, allowing political parties to continue to place women lower down the candidate lists, thus largely negating any benefits to be drawn from the 30% gender quota.17

Sweden’s Social Democrat Party provides a good example of the benefits of coupling a candidate quota (in this case a voluntary 50:50 quota) with a “zipper system”, whereby separate lists of female and male candidates are compiled in equal numbers and then combined alternating between the two. As a result of the Social Democrat Party adopting such a mechanism on their lists, the Swedish parliament’s overall female representation has varied between 47% and 50% in the four general elections since its introduction in 1993.18 Although the question of whether the top candidate is a man or a woman is still to be decided by the party, zipper systems provide a way to ensure greater representation of women. Alternatively, less rigid rules can be implemented, such as rules that the first two candidates may not be of the same sex, or that among each successive group of four candidates, there are no fewer than two female candidates.

Reserved Seats Quotas
A results-based quota reserves a particular percentage of seats in parliamentary bodies or other governmental bodies for women, ensuring that the composition of the relevant body becomes more gender-balanced. The quotas usually operate with absolute numbers, not percentages. However, when expressed in percentages, existing reserved seat quota systems vary from just 5% in Nepal, to approximately 17% in Pakistan and 18% in Uganda, to as much as 27% and 30% in Afghanistan and Rwanda respectively. No reserved seat system demands 50:50 gender parity anywhere in the world.19 Reserved seat systems are usually considered to be very effective measures in greatly increasing, or even kick-starting, women’s representation in strongly patriarchal countries.20 Reserved seat systems are also often used for political bodies to which members are indirectly elected or appointed, as opposed to proportionally elected from candidate lists, and thus for which either voluntary or mandatory candidate list quota systems are difficult to apply.

The Gender Debate
Electoral quota systems remain contentious mechanisms, with strong arguments for and against their use. On one side of the debate, the low number of women actively engaged in politics is seen as a result of women’s lack of resources and commitment. This school of thought – known as the “incremental track” model – assumes that over time gender equality will be achieved naturally as society develops. No active interference, besides capacity-building, is necessary since progress towards greater gender equity is seen as a linear, gradual development. From this perspective, there are no justifications for the favoring of one group of candidates at the expense of others, rendering quota systems unduly discriminatory, and running counter to the principles of equal opportunity and treatment for all. Reserved seat systems in particular are often criticized by opponents, who argue that they represent de facto discrimination against men and function as a restriction on democratic competition and on meritocracy. Finally, it is argued that many women do not want to be elected just because they are women, and that quotas can contribute to assumptions that women have been promoted or elected as a result of their gender rather than their qualifications.21

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17 Dahlerup, ‘Electoral Gender Quotas’, p85
19 Dahlerup, ‘Electoral Gender Quotas’, p86.
20 Ibid.
Alternatively, others reject the above assumption that gender equality will develop automatically and argue that the underlying social and political structures discriminate against women and prevent them from engaging in politics. In this view – known as the “fast track” model – the problem of women’s underrepresentation is not due to women themselves, but to outdated norms and exclusive institutions and organizations that deny women equal opportunities, even if they have the required qualifications. Although women may be entitled with the same civil and political rights as men by law, in reality they often cannot exercise their rights. According to the fast track perspective, affirmative action measures such as gender quotas are necessary to accelerate the development towards more female representation in politics, with quotas acting as a compensation for the persistent barriers to women in male-dominated political systems. Once a country has reached the stage of fair and equal competition between women and men candidates, the quota system can be abolished.22

**Conclusion/Recommendations**

There are currently no legislated gender quotas for candidate lists or reserved seats in decision-making bodies in Cambodia, and political parties have so far been reluctant to incorporate formal voluntary commitments in the form of quotas in their party statutes despite the fact that the 2015 deadline for achieving the CMDG targets is fast approaching, with the 2013 parliamentary elections the last viable chance to increase representation before 2015. This highlights the disparity between the RGC’s theoretical commitment and its actual delivery of gender equity in political bodies.

Statistics seem to indicate that quota systems can have a positive impact on the level of female representation in politics. Of the 23 countries that have achieved a minimum of 30% representation of women in the lower or single house of parliament, 18 implement some sort of electoral gender quota, either voluntary or legal candidate quotas for political parties or a reserved seats system.23 Half of these states at the top are developing countries, such as Rwanda, which has the highest female representation with 56.3%.24 This suggests that a gender quota can work at various stages of political and socio-economic development. Furthermore, of the 15 countries with the highest female representation in parliaments worldwide in 2010, 11 of them had introduced quotas.25

As the Committee on the Elimination of Discrimination against Women (“CEDAW”) states in its general recommendations, a “critical mass” of 30 to 35% of women’s representation is necessary to have an influence on the style and content of political deliberation and public decision-making.26 Cambodia’s proportional representation system for election to the National Assembly – Cambodia’s lower chamber – and to Commune/Sangkat Councils lends itself to the implementation of a candidate list quota system as a means to kick-starting concrete female representation in a strongly patriarchal society. In order to achieve the CMDGs targets with regards to female representation in commune councils, the National Assembly and the Senate, CCHR recommends the following:

- **The National Assembly and Commune Councils**: A binding gender quota should be applied to the candidate lists, reinforced with an additional mechanism that stipulates a certain rank order. CCHR

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22 Dahlerup & Freidenvall, “Electoral Gender Quota Systems”, pp. 21-22; and Dahlerup, How to Achieve the CMDG, pp.7-8
24 Dahlerup, How to Achieve the CMDG, p.24
25 Ibid.
recommends a quota of 30% as a realistic first step to increasing female representation and to achieving the CMDG targets, along with the so-called “zipper-system” which, as detailed above, demands political parties alternate between male and female candidates. In the short term, political parties should adopt voluntary gender quotas within their party policies.

- **The Senate:** Because Senators are elected indirectly by Commune Councilors, CCHR recommends a mandatory reservation of at least one third of senate seats for women, with the councilors voting for two separate lists, one only for men and the other only for women candidates.

For more information, please contact CCHR President Ou Virak via telephone at +855 (0) 12 40 40 51 or e-mail at ouvirak@chrcambodia.org or CCHR Consultant Juliette Rousselot via telephone at +855 (0) 15 35 06 20 or e-mail at julietterousselot@chrcambodia.org.