

# The EU Mutual Learning Programme in Gender Equality

## Women in political decision-making

Slovenia, 15-16 June 2016

### Comments Paper - Germany



*The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.*

*This publication is supported by the European Union Rights, Equality and Citizenship Programme (2014-2020).*

*This programme is implemented by the European Commission and shall contribute to the further development of an area where equality and the rights of persons, as enshrined in the Treaty, the Charter and international human rights conventions, are promoted and protected.*

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# Agenda-setting for a German parity law

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## 1. The German context

### 1.1. Quantitative situation of women in politics

Women in Germany received the active and passive right to vote in 1918. In 2016, women hold 24 to 36.5 percent of the parliamentary seats, depending on the political level:

- national parliament: 36.5 percent;
- state parliaments: 32.5 percent;
- local parliaments (more than 10.000 inhabitants): 24 percent.

Considering political leadership positions at all three political levels, Germany has

- a female chancellor and 33.3 percent female federal ministers;
- three female state prime ministers (out of 16) and 39.9 percent female heads of state ministries;
- around ten percent female mayors and district chief executives and 23.6 percent heads of departments of local public administrations.

Table 1 summarises the percentage of women in German politics.

women...	...as legislatives	...as executives	...as top executives
...on the federal level	36.5 %	33.3 %	100.0 %
...on the state level	32.5 %	39.9 %	18.8 %
...on the local level	24.0 %	23.6 % <sup>2</sup>	10.0 %

Table 1: Percentage of women in German politics<sup>3</sup>

Even more alarming than the absent gender parity is the fact that these numbers have not increased in the past 20 years. Between the mid-1980s and mid-1990s, there was a women's rise in German politics due to the introduction of female quotas by several political parties. However, since the second half of the 1990s, there have been rather unsystematic and quantitatively small developments – both progress and regress - on each political level.

<sup>1</sup> [www.eaf-berlin.de](http://www.eaf-berlin.de)

<sup>2</sup> Systematic and comprehensive gender-differentiated statistics regarding political positions on the local level hardly exist. The “executives” percentage refers to women on a leadership level below the mayors and district chief executives in local public administrations of large cities in 2013 (Holtkamp/Wiechmann 2013).

<sup>3</sup> Sources: Lukoschat/Belschner (2016); Holtkamp/Wiechmann (2013).

## 1.2. Relevant German policy debates for women in politics

The lacking parity of women in politics and its stability over time is not subject to current German political debates. In fact, one could assume that this is not in the interest of politicians and gender policy-makers, since the common policy tools to grasp gender (in)equalities rather ignore the political participation issue. There is no regular “women-in-German-politics-watch”, such as systematic data management, data monitoring or data-based publicity. On the contrary, the processing, updating and scandalisation of the relevant facts and figures happens almost completely through particularistic research<sup>4</sup>. Furthermore, the two gender equality reports of the German Federal Government (2011, 2017) define other gender issues as their emphasis for policy research and recommendations<sup>5</sup>.

The underrepresentation of women in decision-making of other societal sectors (economic, academic, public administration etc.) has been subject to policy debates resulting in at least “symbolic” gender quota laws for all these societal sectors. Especially the law, introduced in 2015, which provides a gender quota for leadership positions in the economic sector, drew great political and public attention. It goes along with two awareness steps that can be exploited for the future policy debate on women in the political sector:

- The elimination of gender inequalities needs legal regulations (besides voluntary measures).
- Legal regulations can and will introduce a cultural change in a social sector and its organisations and institutions. This will hopefully eliminate the necessity for legal regulations prospectively<sup>6</sup>.

The findings that legal regulations are necessary for gender equality and that they can and will support cultural change seem very transferable from the economic to the political sector.

## 2. Transferability of Slovenian and French best practices to Germany

According to the discussion papers of Slovenia and France, both countries practice parity laws. Thus, they have already enforced policy measures that Germany still aims for. Germany, on the contrary to Slovenia and France, is still at the stage of discussing whether or not to set a parity law on the public and political agenda.

<sup>4</sup> The German Federal Ministry for Family, Senior Citizens, Women and Youth (2010; 2013) published an overview of data on gender equality in Germany in 2010 and 2013, including data on women in German politics. The highly selective data give a first overview, a regular update would be desirable.

<sup>5</sup> “The German Federal Government’s First Gender Equality Report was published in 2011, analysing equality policy from a course-of-life perspective. The Second Equality Report will expand on this analysis, focusing on transition points such as starting work, getting ahead in one’s career, family planning and care for the elderly. Particular attention will be paid to structures which can influence decisions at transition points in life, such as the tax system or the education system” (<http://www.gleichstellungsbericht.de/de/topic/10.english.html>).

<sup>6</sup> One of the key issues addressed by the proclaimed cultural change is the reconciliation of work and family. This has been the main focus of Germany’s Federal Family Ministers since 2005 and can also be applied to the political sector.

For Germany, the “story behind” the parity laws in Slovenia and France could be valuable good practices: Who were key enforcers? What strategies did they apply? What were the success factors and how did they overcome obstacles?

## 2.1. German arguments

The current parity debate - held by very few debaters - is a political and a judicial one. Overall, the political debate seems more capable of consensus than the judicial one. It can be seen as a normative German consensus that women should be equally represented in politics and elsewhere. In addition, arguments of policy effectiveness and politicians' credibility come into play: Following the idea of democratic representation to ensure representative decision-making and agreeing with the French factsheet (p. 5), the participation of women in politics can be viewed as a “door opener” to more women and gender policies and to more gender-sensitive policies in general. Additionally, issues of credibility and non-equal treatment of the political sector become relevant. Gender handling in the political sector is solely based on voluntary gender or women quotas of some political parties, while in all other social sectors legal regulations have been implemented for the allocation of leadership positions by 2015.

The different evaluations of the ways to achieve gender parity in politics make up the dissent among the German political actors.

Gender experts as well as male and female feminists would agree that only legal regulations can result in more bindingness to the engagement, especially of political parties, for more women in politics. The arguments are comparable to the ones outlined by the Slovenian expert: It takes a “radical proposal” (p. 5) in order to enhance the party efforts to change the current undemocratic female underrepresentation and its “slow progress” (p. 4) since the 1990s.

The opponents of a parity law mainly argue on a legal level: Comparable to the Slovenian opponents (p. 5), they declare a parity law as unconstitutional because it interferes with the freedom of political parties and political elections. At the same time, the opponents point to other measures - mainly women empowerment (e.g. mentoring programmes) - in order to increase the number of women in politics, assuming or claiming comparable effects to legal regulations. Overall the judicial debate can be distinguished along the weighting of the constitutional obligation of the state to ensure gender equality and to ensure the party and election freedom<sup>7</sup>. Supporters of a parity law declare the current election law as unconstitutional because it interferes with the state obligation to enforce gender equality<sup>8</sup>.

## 2.2. German agenda-setting activities

One difficulty on the way to a German parity law is the inconsistency of election laws and procedures between the federal, state and local level as well as between the 16 German states. This corresponds with the generally strong federalist “mindset” of the German political decision-making system. This might explain why parity activities started at the state level, not at the federal level.

Different actions for a parity law (e.g. intents in state government coalition treaties, legal opinions, public petitions, campaigns) have been initiated by different actors in nine out of 16 German states since 2007. In summer 2016, the first lawsuit will be

<sup>7</sup> Source: Lukoschat/Belschner (2016).

<sup>8</sup> Source: Laskowski (2015).

filed in Bavaria claiming the unconstitutionality of the Bavarian election law. This law piece is highly controversial and yearningly expected by gender equality activists.

Since 2014, activities towards a parity law have been complementing empowerment and research activities for more women in (local) politics<sup>9</sup> on the federal level. These were initiated by the Federal Ministry of Family, Senior Citizens, Women and Youth in 2008 and implemented by the EAF Berlin, when the German Women's suffrage celebrated its 90<sup>th</sup> anniversary.

In 2016 and 2017, three regional and one national parity forum(s) will take place in order to encourage the public and political debate between key political stakeholders: political parties, parliament members, experts and activists. The forums follow a parity conference in 2014 and a recently published parity guide (Lukoschat/Belschner 2016).

### **3. Conclusions and recommendations for Germany and the European level**

What could/should be done on the national and European level to promote women in political decision-making?

From an expert perspective who has monitored the developments of women in politics as a researcher and practitioner for the past ten years, there is no alternative to a German parity law in order to systematically advance the percentage of women in politics. Only legal regulations will bring more bindingness to the engagement, especially of political parties, for more women in politics.

Hence, Germany should aim for a parity law. Practically, the Bavarian lawsuit and the political-judicial strategies will be a clarifying milestone where Germany stands at currently and what it takes to pave the way for a German parity law. In fact, more states should follow the example to include the intention of a parity law into their future state government coalition treaties – hopefully paving the way for a parity law also on the federal level.

Yet, parity laws must be seen as necessary but not sufficient measures to enforce gender parity in politics. Laws can set norms and sanctions and ideally initiate cultural change. Cultural change is necessary for bringing women into politics on one hand and for ensuring “qualitative” parity (French factsheet, p. 5) on the other hand concerning the roles and positions of women and men in political decision-making<sup>10</sup> and to keep women in politics for more than one election period. Cultural change needs all the measures for more women in politics that have been practiced so far, mainly women empowerment. Additionally, there should be a more structural emphasis: Political parties should get consulting in order to learn how to shape organisational routines and human resource management, so they can successfully comply with their self-defined or future legally defined gender quota.

Besides the cultural change in the political sector, Germany needs a “women-in-German-politics watch” system, especially systematic data management, data monitoring and data-based publicity. How do other European countries – with and

<sup>9</sup> For an overview of past and current activities see [www.frauen-macht-politik.de](http://www.frauen-macht-politik.de).

<sup>10</sup> See also Kletzing (2016).

without parity laws – practice a controlling of the progress and regress of women's political participation? Best practices from other European countries concerning (data) controlling systems would be helpful. Also: How does EIGE come into play?

From the German perspective, women's political participation on the local level deserves special attention. For different reasons, German local politics count as the "school of democracy". Yet, women are most underrepresented in local politics. The "European Charter for Equality of Women and Men in Local Life" (Council of European Municipalities and Regions 2006) can be used as a window of opportunity for both the EU-level and the national level. It can help spreading awareness and bindingness for the implementation of gender equality in local decision-making generally (Article 4 to 30) and for gender equality in the personnel allocation in local politics specifically (Article 2 – Political Representation, Article 3 – Participation in Political and Civic Life).

Last but not least, strategies in order to promote political participation of women can be European, but there will always be a strong national "logic" involved concerning the national political and electoral system, political culture, gender regime, key political actors etc. Putting together the European and the national logic seems to be the idea of EU Mutual Learning Programmes. In addition to these programmes, mutual learning as a key support factor should also be possible on an EU-funded but self-organised basis. Empowerment of the key stakeholders of the EU Member States in the field of women in politics should be facilitated through partnerships between countries, regions and cities. Financial funding to do so must be accessible for independent non-profit organisations like the European Academy for Women in Politics and Business Berlin.

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