



# The EU Mutual Learning Programme in Gender Equality

**Women in political  
decision-making**  
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Discussion Paper - Slovenia



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# Can Slovene gender quotas serve as “fast track” to gender equality in politics?

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## 1. Description of the main elements of the good practice

The principal aim of the Slovenian gender quota regulations is to improve the representation of women in politics in Slovenia at all levels. The main argument is based on legality and quality of democracy. The driving force is to come closer to the developed liberal democracies, giving women and men equal chances to enter into the competition for political positions.

### 1.1 Background and general policy context of the host country

#### 1.1.1. Political system and electoral laws

Slovenia's parliamentary democracy is based on a bicameral Parliament with a lower house, the National Assembly (NA) and an upper house, the National Council (NC). The NA has 90 seats (two of these being reserved for the representatives of Italian and Hungarian minorities). The upper house has 40 seats. Elections to the NC are indirect – they take place through appropriate interest organizations or local communities. The electoral system for election to the National Assembly is a (quite complicated) variant of proportional representation. Slovenia is divided into eight constituencies, each of which is further divided into 11 voting units.

From the perspective of women's electoral chances, there is an important 'deviation' from the 'pure' proportional representation (PR) system that forces the Slovenian political parties to behave like in majoritarian systems, namely, in each constituency, the parties submit 11 candidates, but they are not presented as a complete list, as in most PR systems. Rather, constituencies are divided into 11 voting units. Voters cannot vote for the entire party list, but have to choose a party by choosing a single candidate put forward by the party in their voting unit. The votes given to candidates in each voting unit are aggregated in order to determine how many seats the party is entitled to receive in the given constituency. The two seats reserved for the Hungarian and Italian minorities are allocated according to a First Past The Post (FPTP) system. There is also a 4 per cent electoral threshold.

For local elections in Slovenia the situation is complicated. There are two parallel systems – a plurality/majority system for the small towns and a proportional system for the big cities. In small towns, the voters choose among individual candidates and in the bigger cities there are party candidate lists, the number of candidates depending on the number of the seats on the local council. The positions of candidates are therefore not comparable – in the first the candidate stands as the

individual candidate and in the second as a member of the party list - and in this case there is also a possibility to get a preferential vote.

For elections to the European Parliament Slovenia is a single constituency. The electoral system is close list PR.

It will be shown later that these electoral laws contain some barriers for higher effectiveness of gender quotas in politics.

### **1.1.2. Women in politics in early 1990s**

At the beginning of the 1990s gender equality was not considered as an important political question in the political project of the new nation state as other questions had priority on the national agenda and this traditionally presents one of the elements that in many cases in the history delayed the improvement of women's political and other rights.

Despite the fact that in the 1990s the share of women in parliamentary politics and in executive branch was very low - it varied from 7.8 (1996) to 12.3 (1992) percent in the NA, from 3 (1997) to 10 (1993) percent in the government and from 10.6 (1994) to 11.7 percent (1998) at local level - there was little support for special measures or gender quotas in politics. In fact almost everybody resisted the idea of having gender quota regardless of sex, age, ideological orientation. Only few feminist scholars, feminist activists in centre left (LDS) and left-wing parties (ZLSD) as well as minor feminist NGOs supported them.

The situation started to change in the late 1990s, for several reasons. Firstly, EU politicians coming to Slovenia kept asking about the 'absence' of women in politics. At the time of its accession to the EU in 2004, Slovenia, highly developed among candidate countries, had one of the poorest level of political representation of women. Secondly, the governing coalition, with Liberal Democracy of Slovenia (the LDS) as its strongest party (whose support for women's rights and gender equality was widely known in Slovenia), started to think that this was an important problem to solve, and gave it more public support. The final reason was the establishment of a nationwide network, the Coalition for Parity, in 2001. Almost 200 prominent women from different political backgrounds (and parties), as well as some influential male supporters, signed a petition to achieve 'equal representation' in all political decision-making bodies. In 2001, this coalition, working closely with some female MPs and some prominent male political leaders, began to use the process of accession to the EU as leverage to introduce changes into the Slovenian legislation (including gender quotas) in order to improve the presence of women in politics. (For further detail, see Antić Gaber and Lokar 2006.)

In the debate on gender quotas in the 1990s two different lines of argumentation had been heard. Arguments that were heard on the side of the supporters of this special political measure were the following:

- slow progress of the share of women in politics; the society is losing half of its potential;
- parties do not make much effort to change this situation;
- this situation is un-democratic and political system un-representational and also less legitimate;
- the situation is so bad that a radical proposal is needed;

- what the law can do is to try to equalize the situation in public, it cannot do that in private life; this would also bring more equity in the society.

On the side of the opponents of the proposal, this argumentation has been offered:

- state and the law should not interfere into internal party rules;
- this is also un-democratic and the relict of socialist past;
- parties are different and they should stay different also in their understanding of gender equality in politics;
- quotas will harm women
- and above all quotas are unconstitutional.

## 1.2 The goals and target groups of the good practice

The goal of the good practice is to increase the percentage of women in politics in Slovenia at all levels. Target groups are political parties, women's groups, political coalitions, potential women candidates. Much less targeted are women in general, general public, professional younger women, women in media and women in other leading positions.

### 1.2.1 Political parties

Political parties are the main players that influence women's electoral chances (Norris and Lovenduski 1993, Caul 1999, Antić 1999; Fink-Hafner in Krašovec 2004) as they select the candidates, nominate them and compose electoral lists. They can be more supportive or more obstructive to women candidates. Several components prove that political parties are still dominated by men and serve as gatekeepers to women's entrance into politics. In the short history of multiparty political system in Slovenia leaders of all main parties (with very few exceptions) were and still are men.

Male domination is also visible when exploring the composition of other collective or individual leading party positions. In the collective leading positions (in vice-president positions) in the parties one can find one woman (among three or more) and usually not more. It seems that parties are the main gatekeepers to women's entrance into the political field.

Slovene political parties have not put much energy into developing effective strategies for the inclusion of women in their memberships and leaderships. They usually do not offer special financial support to women's units in their parties. Most often they use rhetoric strategies, minimally respect the formal rules, put required share of women on electoral lists, but they put them into voting units with no or very little chances to be elected (Antić Gaber 2011; Murko Pleš, et al. 2011).

Inside party structures were weak; many parties were centralised with men at the leading positions; candidates were often not chosen by transparent process and what the parties' valued the most was the candidates' electability and past political experiences. It is well established that such "criteria" don't work in favour of women (Danica Fink Hafner et. al. 2011,202). It was obvious that political parties and their male members in the important positions served as gatekeepers to women's more numerous entrance into politics.

As it was shown above, the first target groups at which women addressed their demands were political parties. In the 1990s there were several attempts to persuade political parties to ensure better representation of women in politics through their internal goals, procedures and policies and also through the Law on political parties, but they all failed (Gortnar and Antić2004).

After that it was obvious that political parties are not the agents of change on their own free will.

### **1.2.2 Women's groups in the parties**

Parties did not care much or even at all about the representation of specific social groups. They did not encourage their special grouping and activities (women included). In this situation women in some parties organized their own women's party sections and fora in order to have more influence on their party' leaderships. Women's groups in the two centre and left-wing parties (LDS and ZLSD) – being disappointed with the position of women in politics in general and specifically in their parties - initiated internal debate concerning the need for incorporation of gender quotas into their party statutes to ensure equal representation of women and men on their electoral candidate lists.

They also put forward a proposal aiming at changing the law on political parties in order to incorporate the so called mandatory interpretation which would bind parties to explicitly state the equal opportunity measures in their party statutes to ensure equal opportunities of women and men. The proposal also envisaged financial stimulus for the parties that would succeed in increasing the share of women in their parliamentary groups by 10 percent. There was also another proposal, according to which 1/3 of gender quota is obligatory for the party candidate lists for the first next election for the NA (1996) and then it increases for 5 percentage points at each following election until the full equality is reached. None of the proposals got the necessary support in the Parliament.

Beside the already mentioned women's sections, women's groups in other political parties were small, weak and without special financial means for their activities.

The above explained cases show how difficult it was to introduce binding party quotas for the election in Slovenia as an internal party regulation.

### **1.2.3 Coalitions**

Women's groups in political parties were weak during the 1990s and had almost no connection to each other. Because of their different ideological orientation they often did not support proposals of women from the party on the other side of the ideological spectrum so that in the end nothing changed. From all that it was obvious that a cross-party coalition was needed to secure better chances for real changes in women's political representation.

It was logical that for the goal of equal representation of women and men in politics other actors should be included, among others building wider coalitions with women in:

- other leading positions in the fields of law, economy, media, academia, science, etc. as women in these areas have some valuable knowledge on

one hand while facing similar problems in their careers and when aspiring for powerful or leading positions on the other hand;

- with powerful men who support the equal representation of women and men in politics and are in the position to influence the public opinion;

What was (and still is) also needed was:

- to work more with general public and make more effort to present politics to them in a more positive way – as politics and especially party politics was very low on the scale of public opinion value surveys; it was considered as dirty, time consuming and not worth to get involved in;
- to work more with younger women and with mentoring projects helping them better understand politics; have them getting a deeper insight into it; trying to break stereotypes about women in politics and politics in general; build connections with experienced women in politics, etc. One pilot project which was made in this direction is not enough;
- to work more with party gatekeepers and present them women's involvement in politics as something that can bring positive effects to their parties and society as such as well as help them in searching qualified women aspirants for political posts.

### **1.3 The legal and financial provisions to implement the good practice**

Political parties are the main and the strongest actors in the whole election process. The law on political parties in Article 19th says that a party among other things shall in its statutes »specify the procedure and the authority which determines candidates for elections” and also “the method of providing equal opportunities for both sexes in determining candidates for election”.

Political parties did not really act according to this provision and in their statutes they only repeated this general statement.

Political parties are financed from the state budget if they received at least 1 percent of votes nationwide and the similar goes for financing the party at the local level. But parties are free and independent in the decisions what to finance from that budget and it is well known that they did not allocate special financial means for the special training and skills developing of their female members for their political activities.

Finance, support and special activities (like seminars “Women Can Do It” by the Norwegian socialist women) came from the sister parties (socialist and liberal) in Europe and special funds (like Friedrich Naumann Stiftung).

## 1.4 Institutional arrangements and procedures of implementation

### 1.4.1 Institutional arrangements

It seems that Slovene Constitution had internal contradictory tendencies. On the one side it was seen as a barrier and on the other as a window of change. In the attempts to introduce gender quotas into the Law on political parties in the 1990s one of the strongest arguments was that this would be in contradiction with the Slovene Constitution which already guarantees gender equality. To avoid this conflictual situation, different case studies were carefully analysed and brought to the attention to the wider public and even more so to legal experts. Particularly powerful were the cases of France and Belgium, the two West European countries that at that time introduced quotas in their legislation.

The French case was for the Slovene environment especially relevant. In France the way to electoral gender quotas opened in 1999 after the amendment of the French Constitution to allow affirmative action (Rodríguez-Ruiz and Rubio-Marín 2009, 1174). Following the French case (and to avoid unconstitutionality of the law) Slovene political elites decided to amend the Constitution first and then introduce legislated quotas.

The proposal to change the Constitution had been put forward on 30th November 2001. A new paragraph states: "The law shall provide the measures for encouraging the equal opportunity of men and women in standing for election to state authorities and local community authorities". After that parliamentary and wider public debate on this issue started.

In this period two events organized in the Parliament were important for the successful story: the establishment of the special group of external experts of the Parliamentary Constitutional Committee and the Public discussion to which experts from different fields and civil society were invited.

Public discussion in the Parliament brought up already known reservations among law experts and political parties and few new insights in this process. Yet we must add that the majority of the participants in the discussions (male and female, experts, politicians, NGO activists, etc.) supported the proposed change of the Constitution. Only few legal experts were still strongly reserved toward this change.

The Expert group presented its report in which they supported the proposed change which was after that confirmed and accepted by the Constitutional Committee.

In 2004 there was no major political party that opposed the proposal to change the Constitution neither the proposal to incorporate gender quotas into the electoral laws at all three levels (European, national, local). The constitutional change had been unanimously adopted in June 2004 shortly followed by the first election to the European Parliament (EP) in Slovenia. This was an important basis for legislative changes, among others for the introduction of gender quotas into the electoral laws.



Tracing the whole process we have to mention several steps that had been made:

- The first step was taken in June 2002, with the adoption of the Act on Equal Opportunities for Women and Men, which contains several provisions for the promotion of gender-balanced participation in decision making.
- The second step was taken in June 2004, when the National Assembly adopted a Constitutional Act amending article 43 of the constitution of Slovenia by adding to the provision on universal and equal rights, a new paragraph conferring on the legislature the power to determine, in a law, measures for encouraging equal opportunities for women and men in standing for election to state authorities and local community authorities.
- The third step was taken in September 2004 when, in compliance with article 14 of the Act on Equal Opportunities for Women and Men, the government adopted a decree regulating the criteria for implementation of the principle of balanced representation of women and men. The decree lays down the procedure for ensuring balanced representation in the composition of public committees and boards and in appointing and nominating government representatives. Both the decree and the act provide that the principle of gender-balanced representation is respected when at least 40 per cent representation of women and men is ensured. In certain specified circumstances the decree permits exemptions from this principle on objectively justified grounds. Such an exemption is permitted in cases where membership of a particular government body stems from a particular function.

An examination of the changes concerning quota provisions shows that there were three stages in the short history of the policy on gender quotas in Slovenia:

- almost total rejection of the quotas, because they were associated with the socialist past (in the early 1990s);
- the period of the introduction of voluntary party quotas in some left and centre-left parties, and the rejection of each attempt in the Parliament to introduce quotas into the law (second half of the 1990s); and
- the introduction of gender quotas into the national legislation for national elections, local elections and elections to the European Parliament (middle of the first decade of the 2000s).

#### **1.4.1 Implementation**

It is obvious from the time frame in which gender quotas have been adopted in Slovene legislation that accession process to European Union definitely played an important although indirect role through the additional pressure on the national politicians to do something about the low presence of women in politics.

Slovene political elites would therefore rather try to meet expectations and follow recommendations of international bodies in order to stay in the line with other modern democracies in Europe.

In other words, the emerging awareness that something has to be done does not appear totally as a result of a genuine commitment to gender equality even though long tradition existed with the bottom up actors of change in civil society since 1990s (Mencin Čeplak 2011). Yet formal institutional politics overlooked those initiatives.

One of the reasons for this statement can be seen in the fact that even before the introduction of the amendment to the Constitution the requirement of gender-balanced representation in parties' lists of candidates for the election of Slovenian Members to the European Parliament in 2004 has been successfully implemented. This act requires that at least 40 per cent representation of each sex is ensured in any list of candidates. Lists of candidates must be drawn up in such a way that at least one candidate of each sex figures in the first half of any list of seven candidates.

Following the Constitution amendment two electoral laws had introduced gender quotas, but in a different way.

- 1) The first had been an introduction of the gender quota in the Law on Local Elections in 2005, a year before the next local election. The law provided that lists of candidates for the election to a municipal councils have to be drawn up in such a way to ensure that each gender accounts for at least 40 per cent of all candidates listed, and that the candidates in the first half of the lists must alternate by sex (Clause 70a). The act provides the transition period up to 2014, when 40 per cent representation of each sex becomes compulsory. The regulation deliberately started with a very low (20 percent) gender quota in 2006 election; 30 per cent quota for the election in 2010 and in addition during this transitional period, a partial derogation is permitted as regards the principle of candidates alternating by sex in the upper half of the list, which means that it will be regarded as sufficient if they are arranged in a way that at least each third candidate is of the other sex (transitional provision).
- 2) The second was the Law on the election of National Assembly changed in 2006 when 35 percent quota (with the start of 25 percent women candidates on the voting ballot for the first next election) was set. The law also stipulates that if the constituency electoral commission finds that the list of candidates is not determined in accordance with this Act dismiss it (clause 56). Due to the specificity of the Slovene electoral law for the election to NA placement mandate, cannot be incorporated as an additional requirement.

At all three levels, a party that does not follow the rule risks having its electoral list rejected by the state electoral management body (EMB), which means that this rule can be understood as a firm electoral gender quota rule.

## **2. Results of the good practice and its impact on achieving gender equality**

Adoption of legislative gender quotas in Slovenia is definitely the result of the complex political and social situation of the transition period and a period of the transformation of many societal fields that were carried out in the specific time period.

In Slovenia, gender quotas as a political mechanism seem to be accepted now. However - as the structural changes need time - how they influence the changes on achieving gender equality and challenge the existing gender regime is to be seen in the nearby future.

## 2.1. Key results in relation to the baseline situation and to the goals and target groups

From the table presented in the Annex we can see that the gender quotas proved to be successful in bringing more women to electoral lists and into politics at all levels.

Before the introduction of gender quotas in the law, the share of women on the lists varied from 14 to the exceptional 25 percent at national level; for the local level statistical data proves that in 1994 for one female candidate there were 6 male candidates and after the introduction of quotas this shrank to 1 to 3 ratio which is impressive.

Apart from that, at all three levels of political decision making in Slovenia a critical mass of women in the political bodies have been reached. In local politics and in the NA there were only around 13 percent of women before the introduction of gender quotas and it jumped to 31 and 35 percent respectfully. This has been done in only three electoral periods (from 2004-2014). This result – it has to be said – would not be possible in such a short period without the implementation of legislated gender quotas.

What is problematic is that the minimum of a required quota set for the national election - 35 percent is indeed very low and it has been suggested from several political actors that it has to be equalized with the other two and set to 40 percent.

As already mentioned, gender quotas became a politically acceptable measure they have almost no opposition any more - even in political parties which had decade ago strong reservations and concerns.

## 2.2. Challenges, obstacles and constraints encountered

As a result of the required gender quotas all the parties put even more women on electoral lists than the law stipulates. However, gender quotas proved to be more successful for the local elections and for the election to the European parliament, yet they were not that successful in the case of election to the NA.

There are several reasons for that:

- the political weight of the NA in Slovenia (that is why MPs - mostly males want to keep this important political body in their hands);
- the behaviour of political parties and their gatekeepers that keep the door to this field almost completely closed, so that women cannot enter (those who are also mayors or ministers and other high level politicians are in particularly privileged positions);
- several elements of the electoral law (described below).

What are the other obstacles that limit the effect of legislative gender quotas?

Among political factors we can list: some provisions in the electoral laws; the behaviour of political parties (gatekeepers); the political culture that is not supportive to women's engagement in politics, especially in rural areas.

Electoral laws:

- For the election at local level – two different systems are in use – majority for small cities (producing minimum effect) and proportional for larger ones in which zipper system (that male and female candidates would appear alternately) could lead to better results. Where a proportional system is applied, a lower share of preferential votes would also add to a better result.
- For the National election other problems were raised. The results of elections are mostly interpreted in line with the studies on quota in many other countries that showed that only percentages for the total number of candidates, and no rank order or other rules, may have little effect (Schwindt-Bayer 2009). The success of women in the 2011 and 2014 elections can be attributed to the fact that new political parties emerged, which did not know where their winnable seats are and their party structure was not rigid and exclusive but more open to newcomers (and women). Some of the experts also emphasize the impact of the findings of analysis of candidate lists in 2011 done by the Slovene Women Lobby, which showed which parties were more supportive to gender equality in politics.
- To open more opportunities for the implementation of the quota law the proposals to eliminate the voting units and introduce a closed party list on the level of constituency had been put on the parliamentary agenda twice. But the proposal has been rejected.

Political party gatekeepers:

- Established parties or parties with longer history are sometimes more resistant and the fight for the winnable positions on their list is stronger as they have many male aspirants already in political positions; on the other hand in new parties which do not have a history of competing at the election and less established male politicians, women have some more chances to get winning positions on the list;
- As our research (interviews with male and female politicians) shows (Selišnik, Antić Gaber 2012), there is also a significant difference in building a political career among female and male politicians. Men are more likely to systematically build their political party' career than women, who more often invest their time and energy to build their professional career and if their work is recognized they are invited to politics they consider this invitation to enter political field and they more often need special invitation from the strong political player.
- It is also more common that male politicians stay several mandates in politics while female ones more often stay only one (less often two). This is also the reason they cannot build strong social and political network as well as acquire social and political capital.

- One of the reasons why in the last two elections the increase of women's representation in the NA occurred lies in the fact that voters showed no confidence to old established parties and demanded a change of political elites. In such circumstances new political parties can be more prosperous (and female candidates get more votes).

Political culture:

- Political culture, attitudes towards politics and prevailing values (especially on masculinities and femininities or male and female roles) significantly influence the possibilities of potential entry of women into politics and, indirectly, their presence in politics.
- When asked “Are men better politicians than women?” the share of respondents who do not agree with this statement was in 1995 51 percent and increased in 2012 to 72.8 percent which is a distinctive change (comp. Selišnik and Antić 2015).
- On the other hand women active at local level coming from rural areas report that one of the main obstacles is still a very negative attitude towards women in politics in their local communities.

### 3. Assessment of the strengths and weaknesses of the good practice

*Strengths and weaknesses*

In Slovene cultural and political context in which some other measures did not work, legislated gender quotas at all political levels did not only bring more women on electoral lists but also a significant rise of the share of elected women. As at all three levels the share of women is higher than 30 percent, we could therefore say that this variant of gender quotas is effective and serves to its goal.

What are the strong and effective elements?

- The formulation of quotas: refer to “gender” and not women;
- Strong impact of sanctions in the case of non-compliance;
- The application at all three levels.

Where are weaknesses and limitations?

- The quota for the candidate list and not for the composition of the committees;
- Only 35 percent gender quota at national level;
- No possibility for gender quota and zip list in small cities with a majority voting system;

- No possibility for rank order or placement mandate at the election to the NA (due to voting units);

#### *Effectiveness and limitations*

Despite the fact that there is a visible improvement in the presence of women in politics one cannot be fully content with the representation of women in politics at the level that has been reached. There is still some room for change as already mentioned above in relation to electoral law.

We have to be aware that the acquired level of presence of women in politics is not secure at all. The experiences from other countries show that it can also decrease.

The minimum set quota can also serve as a maximum.

Apart from that there are some other issues to be considered and discussed as well as practices to be developed which can contribute to higher effectiveness of gender quotas and to more women in politics. These are:

- wider public awareness of the importance of balanced representation of women and men in politics;
- working with media on the importance of equal treatment of women and men in media;
- skills developing practices and trainings for the newcomers in politics;
- mentoring less experienced women by those having been in power positions;
- developing solidarity and cooperation among women in general and women in politics;
- encouraging younger women to start developing their political career in early age (not only after developing their professional career);
- making more effort to keep women that once enter the politics for more than one mandate.

## **4. Main questions and issues for debate at the meeting**

To discuss:

- How effective are legislative gender quotas (as a fast-track to equal political representation) in different national contexts (different electoral systems, different political cultures and different gender regimes)?
- What other innovative and effective measures and practices besides legal gender quotas can be applied to enforce equal representation in politics and can be adapted in countries with similar political culture and background?
- Which legal (systemic) measures could be applied to increase the share of women in small cities and among majors at the local level?

- How to ensure equal representation of women where the real decisions are made (in parliamentary bodies and government)?
- How to keep women in politics for more than one mandate to get more experience, develop their political skills and gain more political capital?

## Statistical Annex:

Number of largest publicly listed companies in the EU - 2014	Women Board Presidents	Women Board members	Women non-executives	Women executives
EU-28 (614 companies)	7 %	20 %	21 %	13 %
Slovenia (20 companies)	5 %	20 %	22 %	21 %

Source: European Commission, Women and men in decision-making, October 2014

Local elections (Slovenia)	Number of seats	Share of women mayors	Share of women councillors
1994	147	1.4 %	10.8 %
1998	191	4.2 %	12.0 %
2002	193	6.0 %	13.1 %
2006	210	3.4 %	21.5 %
2010	208	4.8 %	22.44 %
2014	212	7.5%	31.8%

Source: Statistical Office of the Republic of Slovenia

Elections to the European Parliament (Slovenia)	Number of seats	Share of elected women
2004	7	42.9 %
2009	7	28.6 %
2011*	8	50.0 %
2014	8	37.5%

Source: European Parliament

National Assembly Elections (Slovenia)	Share of Elected women
1990	18.7 %
1992	13.3 %
1996	7.8 %
2000	13.3 %
2004	12.2 %
2008	13.3 %
2011	32.2 %
2014	35.6 %

Source: Statistical Office of the Republic of Slovenia



**National government (senior ministers), 2016**

	Women	Men
<b>EU-28</b>	27 %	73 %
<b>Slovenia</b>	47 %	53 %

Source: European Commission, Database on women and men in decision-making.

**The most recent (May 2016) situation is the following:**

59 % Men  
41 % Women

**National Parliaments (single/lower house), 2016**

	Women	Men
<b>EU-28</b>	28 %	72 %
<b>Slovenia</b>	34 %	66 %

Source: European Commission, Database on women and men in decision-making.

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