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## **STUDY OF EXPERIENCE OF THE APPLICATION OF GENDER QUOTAS IN THE POLITICAL SPHERE OF THE EU COUNTRIES AND UKRAINE THROUGH THE PRISM OF EFFICIENCY**

**ВИВЧЕННЯ ОСВІДУ ЗАСТОСУВАННЯ ГЕНДЕРНИХ КВОТ У ПОЛІТИЧНІЙ СФЕРІ ДЕРЖАВ ЄС ТА УКРАЇНИ ЧЕРЕЗ ПРИЗМУ ЕФЕКТИВНОСТІ**

**ИЗУЧЕНИЕ ОПЫТА ИСПОЛЬЗОВАНИЯ ГЕНДЕРНЫХ КВОТ В ПОЛИТИЧЕСКОЙ СФЕРЕ ГОСУДАРСТВ ЕС И УКРАИНЫ ЧЕРЕЗ ПРИЗМУ ЭФФЕКТИВНОСТИ**

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**Abstract.** *The article reveals the experience of using gender quotas and the issues of their effectiveness in the political sphere of the European Union and Ukraine. The relevance of the article is due to the fact that gender quotas are a common and at the same time institutionalized mechanism for ensuring gender equality. The article uses historical, comparative and structural-functional research methods. The authors determined the legal basis of gender quotas, mechanisms for their implementation, types of quotas and criteria for their effectiveness. Legislative candidate quotas and voluntary party quotas have been found to apply in European countries. The experience of applying gender quotas in the EU and Ukraine was studied. Gender quotas have been shown to increase women's representation, but not immediately after application. The effectiveness of quotas is determined by a good legal basis and the use of quotas in combination with other means. It is determined that even a single application of gender quotas has a lasting effect on increasing the number of women in representative bodies. The adoption of voluntary party quotas by leading political parties also contributes to the equal representation of women and men. In addition to directly affecting the number of women in the legislature, gender quotas indirectly affect other aspects of life.*

**Key words:** *gender, gender equality, gender quotas, affirmative action, European Union.*

**Анотація.** Стаття розкриває досвід використання гендерних квот та питання їх ефективності у політичній сфері держав Європейського Союзу та України. Актуальність статті зумовлена тим, що гендерні квоти є поширеним та водночас інституціалізованим механізмом забезпечення гендерної рівності. У статті застосовано історичний, порівняльний та структурно-функціональний методи. Авторами було визначено правову базу гендерних квот, механізми їх реалізації, види квот та критерії їх ефективності. Виявлено, що в європейських країнах застосовуються законодавчі кандидатські квоти та добровільні партійні квоти. Було досліджено досвід застосування гендерних квот в державах ЄС та Україні. Доведено, що гендерні квоти дають можливість збільшити представництво жінок, але не відразу після початку застосування. Ефективність квот зумовлюється якісним законодавчим підґрунтям та застосуванням квот в комплексі з іншими засобами. Визначено, що навіть одноразове застосування гендерних квот дає тривалий ефект на збільшення кількості жінок у представницьких органах. Прийняття добровільних партійних квот провідними політичними партіями також сприяє рівному представництву жінок та чоловіків. Окрім прямого впливу на кількість жінок у законодавчих органах, гендерні квоти опосередковано впливають на інші аспекти життя.

**Ключові слова:** гендер, гендерна рівність, гендерні квоти, позитивна дискримінація, Європейський Союз.

**Аннотация.** Статья раскрывает опыт использования гендерных квот и вопросы их эффективности в политической сфере государств Европейского Союза и Украины. Актуальность статьи обусловлена тем, что гендерные квоты являются распространенным и одновременно институциализованным механизмом обеспечения гендерного равенства. В статье использованы исторический, сравнительный и структурно-функциональный методы. Авторами были определены правовая база гендерных квот, механизмы их реализации, виды квот и критерии их эффективности. Выявлено, что в европейских странах применяются законодательные кандидатские квоты и добровольные партийные квоты. Было исследовано опыт применения гендерных квот в государствах ЕС и Украины. Доказано, что гендерные квоты дают возможность увеличить представительство женщин, но не сразу после начала применения. Эффективность квот обусловлено крепким законодательным основанием и применения квот в комплексе с другими средствами. Определено, что даже однократное применение гендерных квот дает длительный эффект на увеличение количества женщин в представительных органах. Доказано, что гендерные квоты дают возможность увеличить представительство женщин, но не сразу после начала применения. Принятие добровольных партийных квот ведущими политическими партиями также способствует равному представительству женщин и мужчин. Кроме прямого влияния на количество женщин в законодательных органах, гендерные квоты косвенно влияют на другие стороны жизни.

**Ключевые слова:** гендер, гендерное равенство, гендерные квоты, позитивная дискриминация, Европейский Союз.

**Introduction.** Gender equality is recognized as one of the hallmarks of a democratic society. Accordingly, both men and women have the same opportunity to participate in all spheres of public life, including the political sphere. However, gender representation in the political sphere may be unbalanced, as a result of which one of the genders may be under-represented. Therefore, ensuring equal rights and opportunities for men and women is one of the tasks of modern society. A number of mechanisms are aimed at achieving gender equality, among which gender quotas play an important role.

**The relevance of the article** is due to the fact that gender quotas are a common and at the same time institutionalized mechanism for ensuring gender equality, so it is advisable to study the experience of their application.

**The aim of the article** is to study the experience of using gender quotas and their effectiveness in the political sphere of the European Union and Ukraine.

**Analysis of recent research and publications.** In our article we analyze the legislation of the EU and Ukraine, statistics from various sources, as well as use the scientific works of some European researchers.

In particular, T. Verge and E. Lombardo studied the Spanish experience of using legislative quotas with sanctions for non-compliance with quotas. L. Swiss and M. Fallon studied the influence of the number of women deputies on the socio-economic policy of the state. P. Profeta in her research demonstrated the effectiveness of gender quotas in terms of productivity of selected candidates. The effectiveness of gender quotas was also studied by S. Bush and P. Zetterberg, P. Bello, A. Casarico.

Several scientific methods were used in the study. The mechanism of gender quotas was explained using the structural-functional method. The use of historical and comparative methods allowed to study the results of the application of quotas over time and to draw conclusions about their effectiveness of gender quotas.

**Presentation of the main materials.** One of the most common means of ensuring gender equality is gender quotas. Gender quotas are a tool aimed at accelerating the achievement of gender-balanced participation and representation, by establishing a certain proportion or number of seats that should be occupied by women or men, usually according to certain rules or criteria [*European Institute for Gender Equality*, nd].

Gender quotas are implemented in the form of positive discrimination, i.e. they are a set of measures aimed at increasing the opportunities of the less represented part of society [*Kento*, 2021].

The regulatory framework for the use of quotas is based on a wide range of international and national commitments and principles relating to the equal rights and opportunities of women and men in political decision-making. These include international conventions, such as the International Covenant on Civil and Political Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979); regional human rights treaties, in particular the European Convention on Human Rights (1950), as well as declarations adopted at the international and national levels.

The UN Convention on the Elimination of All Forms of Discrimination against Women allows for the use of special measures aimed at promoting gender equality, and stresses that these measures should be abolished once the goals have been achieved [*Mizhnarodnyi blahodiinyi fond «Ukrainskyi zhinochy fond*, 2020].

During the implementation of gender quotas, although the principle of equality is declared, in fact the emphasis is on increasing the representation of women as the underrepresented gender.

In a global survey of parliamentarians conducted by the Inter-Parliamentary Union in 2008, women parliamentarians identified obstacles to a successful political career: domestic responsibilities, prevailing cultural attitudes about the role of women in society, lack of family support, lack of finances and lack of support from political parties [*Dahlerup, Hilal, Kalandadze, Kandawasvika, Nhundu*, 2013].

The effectiveness and significance of gender quotas depends on several factors:

- Setting a specific goal to be achieved as a result of the introduction of quotas;
- Existence of clearly developed quota rules;
- Sanctions for non-compliance with gender quotas [*Dahlerup, Hilal, Kalandadze, Kandawasvika-Nhundu*, 2013].

O. Vilkova singles out four main legal mechanisms for the implementation of gender quotas, noting that these mechanisms can sometimes be combined:

1) consolidation of gender quotas in the Constitution. That is, the implementation of the principle of equal opportunities to determine the gender composition of parliament can be specified in the Constitution, indicating the proportions for women and men.

2) implementation of gender quotas through election legislation. This mechanism is achieved through the application of the principle of equal opportunities by the subjects of the

electoral process, the definition of gender norms and the establishment of sanctions for violations of this principle in national legislation, in particular electoral laws.

3) a separate law on equality, which establishes equality between men and women (equal status).

4) statutes of political parties [Vilkova, 2014].

The International Institute for Democracy and Election Promotion identifies three main types of gender election quotas:

1. Legally reserved seats. Not applicable in EU countries.
2. Legislative candidate quotas. Regulated by the Constitution or other laws
3. Voluntary quotas of political parties [European Institute for Gender Equality, nd].

Most quotas are aimed at increasing the representation of women, given the under-representation of women in political institutions. That is, quota systems are usually aimed at ensuring that women make up at least 30 or 40% of the total number of elected candidates.

However, some quota systems are constructed as gender-neutral, meaning that they aim to correct the under-representation of women and men. In this case, there may be a requirement that neither men nor women occupy more than 60% and have at least 40% of seats.

The main idea of the quota system is to recruit women to political positions and ensure their full participation in political life. In some countries, quotas are used as a temporary measure until barriers to women's access to politics are removed, but most countries have not stopped at temporarily applying quotas.

Sometimes double quotas are also applied, not only requiring a certain percentage of women on the electoral list, but also preventing women candidates from simply falling to the bottom of the list with little chance of being elected.

In the countries of the European Union, two types of gender quotas are used in elections to national parliaments: voluntary party quotas and legislative candidate quotas.

It should be noted that the constitutional quotas in the countries of the European Union are not directly applied. However, some EU constitutions not only declare equality in all areas, but also allow or recommend the use of special means (quotas) both at the legislative level and the use of voluntary quotas by political parties. For example, the French Constitution stipulates that the law should promote equal access for women and men to electoral mandates and positions, as well as to professional and social responsibilities. Also, the Constitution recognizes the responsibility of political parties for supporting and promoting this principle [Constitutions Françaises, 1958].

Equality is declared in the Italian Constitution. Thus, according to Article 51 of the Italian Constitution, "any citizen of any gender has the right to hold public office and to be elected to office on equal terms, in accordance with the conditions established by law." To this end, concrete measures are being taken to promote equal opportunities for women and men [Constitution of the Italian Republic, 1947].

The Greek Constitution stipulates that the use of positive action to promote equality between men and women is not considered to be gender discrimination (Article 116). The state cares about eliminating existing inequalities, especially for women [Constitution of Greece, 2019].

As for the legislative candidate quotas, their application is regulated differently in European countries. For example, Spanish law (Article 44 of the Organic Law on Electoral Regime) stipulates that lists of candidates in elections at all levels, including those of the Congress of Deputies, must have a balanced proportion of women and men, so that candidates of all genders are at least 40 per 100 members. The 40% quota applies not only to the list as a whole, but also to each group of five candidates, which prevents women from being placed at the bottom of the list [Ley Orgánica, 1985].

The Polish Electoral Code stipulates that the electoral list should not include less than 35% of men and women (Article 211) [Kodeks wyborczy, 2011].

French law stipulates that the difference between the number of candidates of each gender, which the party nominates in single-member constituencies, may not exceed 2% (Article 9-1) [Relative to the financial transparency of political life, 1988].

According to the Irish Election Act, political parties lose 50% of government funding if there are less than 30% of male or female candidates on the electoral list [*Electoral act, 1997*]

Among the countries of the European Union, voluntary party quotas are applied in 22 countries, which is 81.5% of the total number of states. At the same time, legislative candidate quotas are used in only 11 countries (40% of the total).

The OSCE Office for Democratic Institutions and Human Rights, in its publication "Support for Women's Participation in Political Parties", identifies criteria for the effectiveness of voluntary party quotas [*Organization for Security and Co-operation in Europe, 2014*].

The first criterion is that quotas should provide for a relatively high proportion of women among party candidates. For example, the Spanish Socialist Workers' Party and the United Left have 40 percent gender quotas. The Social Democratic Party of Germany also has a 40 percent quota, and the Union 90 / Greens has set a 50 percent quota.

Second, quotas should include provisions on the order of candidates on the party list. A number of parties indicate not only a certain share of women in the list of candidates or the maximum or minimum share of candidates of each gender, but also the positions they should occupy in the party lists. Some Swedish parties adhere to the principle that men and women take turns in the list of candidates so that women make up not only 50% of the candidates, but also as close as possible to 50% of the number of elected deputies.

The third criterion - quotas should be formulated in accordance with clear and widespread cultural customs and traditions.

According to the fourth criterion, quotas should be institutionalized in organizational structures and official nomination regulations. That is, to ensure the effectiveness of voluntary quotas, they must be formally included in the party's statute, internal regulations and the party's political course.

The party leadership can also ensure an increase in the representation of women in the party's governing bodies by setting voluntary quotas for members of key governing bodies. Such quotas may be introduced in the form of minimum thresholds for the representation of women at party congresses and conferences, in the composition of the committee for the selection of candidates, as well as in the governing structures of the party.

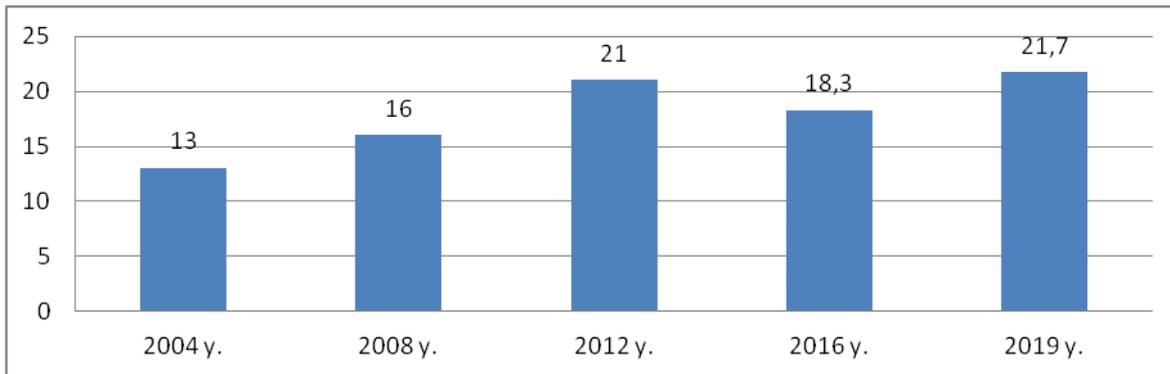
For example, in the Christian Democratic Union of Germany, the results of elections to party structures are considered invalid if women make up less than one third of the nominees [*CDU, 2019*], and according to the rules of the Social Democratic Party of Germany, its central body must be at least 40% of each gender [*Sozialdemokratischen partei deutschlands, 2019*].

If we compare the application of quotas with the level of gender equality in elected authorities, we can draw several conclusions. In northern European countries, Sweden and Finland, where there is in fact a gender balance in the political sphere, no legal gender quotas are currently in place, although left-wing Swedish and Finnish parties adhered to party quotas in the 1990s.

Both the Nordic countries, as well as Norway, which is not a member of the EU, underwent a phase of legislative and institutional regulation during the twentieth century, which maximally facilitated women's rights. That is, a state that has achieved gender equality may not take special measures to maintain this status, society is capable of self-regulation of gender parity.

In a number of countries with a low representation of women in national parliaments, such as Romania, Hungary and Slovakia, political parties apply voluntary party quotas, but there are no legislative candidate quotas. Separately, we note Greece, where both types of quotas are implemented, but so far the number of men in the Greek parliament far exceeds the number of women.

It should be noted that in 2019, according to the decision of the Supreme Civil and Criminal Court of Greece, a 40% gender quota was set for candidates during elections at all levels: national, regional, municipal and European Parliament elections. This legal norm was implemented in the early parliamentary elections in 2019.

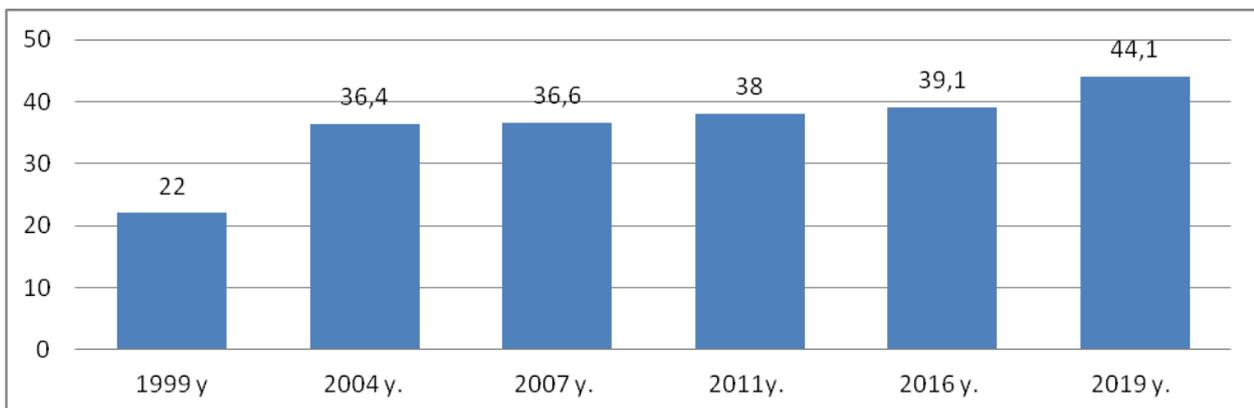
*Illustration 1.***Percentage of women in the Greek national parliament**

Source: created by the authors based on [European Institute for Gender Equality (nd)].

One can trace the dynamics of the change in the number of women in the Greek parliament over the last 15 years. Women are underrepresented in the national parliament, although there is a positive trend towards an increase in their number. Gender quotas introduced in 2019 did not have a significant effect on early elections.

For comparison, Spain also applies both voluntary party quotas and legislative candidate quotas. Legislative changes setting 40% gender quotas in elections at all levels were made in 2007. Spain does not have the same historical experience of gender equality as the Nordic countries, but the representation of women in the national parliament and the European Parliament exceeds 40%.

Note that one of the largest political parties - the Spanish Socialist Workers' Party adopted a 25% quota for women in 1988, later increased it to 40% [European Institute for Gender Equality, nd].

*Illustration 2.***Percentage of women in the lower house of the Spanish parliament**

Source: created by the authors based on [European Institute for Gender Equality (nd)].

However, even before the adoption of the mandatory gender quota in 2007, the representation of women in the Spanish political arena was quite high.

According to T. Verge and E. Lombardo, Spain implemented gender quotas with strict sanctions for parties, which ensured the effective implementation of the gender-balanced principle [Verge, Lombardo, 2015]. According to the researcher, the effectiveness of gender quotas is due to the fact that strict legislative quotas were preceded by the adoption of voluntary party quotas by an influential socialist workers' party.

A similar example of the introduction of gender quotas is shown in Belgium, where the successful increase of women in parliament was made possible by the gradual introduction of party quotas. Thus, a law passed in 1994 provided for a gradual increase in seats for women in parliament. In 1996, no more than three-quarters of the same gender could be on the party's electoral lists; in 1999, that limit rose to two-thirds. In the 2002 elections, the first three places on the party list could not be occupied by members of the same gender. In the next election, this principle was introduced for the two highest positions on the electoral roll. As a result, more than 40% of the seats in the Belgian parliament are held by women. Belgian political parties also apply quotas ranging from 25 to 50 percent.

It can be concluded that gender quotas provide an opportunity to increase the representation of women, but not immediately after the start of application. The conditions for the effectiveness of electoral gender quotas are the legal basis and the use of quotas in combination with other means. The adoption of voluntary party quotas by leading political parties will also contribute to strengthening the equal representation of women and men.

In addition to directly affecting the number of women in the legislature, gender quotas indirectly affect other aspects of life.

According to L. Swiss and K.M. Fallon in their study, the increase in the number of women legislators leads to the fact that the health care sector becomes more priority, social spending increases and poverty decreases [Swiss, Fallon, Kathleen, 2012].

Mr. Profeta notes that the indicator of the effectiveness of gender quotas is the quality of work of selected candidates and their productivity. There are several problems with the functioning of quotas that may call into question their appropriateness. In particular, if elections are held with quotas, this may prevent the nomination and election of more worthy candidates, and candidates elected by quota may not be competent enough. According to the researcher, the introduction of gender quotas, even temporary ones, can still be useful for expanding the representation of women [Profeta, 2017].

S. Bush and P. Zetterberg argue that the adoption and implementation of electoral gender quotas helps to enhance the reputation of the current government of this country [Bush, Zetterberg, 2021].

Researchers A. Baltrunaite, P. Bello, A. Casarico, analyzed the temporary experience of introducing mandatory gender quotas in local elections in Italy in 1993 [Baltrunaite, Bello, Casarico, Profeta, 2014]. A law was then passed stipulating that there could not be more than 2/3 of the total number of candidates of the same gender. Two years later, the provision on gender quotas was repealed, but the law was in force during the 1993 local elections. As a result of the study, it was concluded that even temporary quotas have a long-term effect on the increase of women in representative bodies, i.e. the effect of quotas can be felt for years after their introduction.

As for Ukraine, the use of gender quotas is allowed by the Law on Ensuring Equal Rights and Opportunities for Women and Men, adopted in 2005. According to the law, the use of positive actions aimed at eliminating inequality between men and women is allowed. The Law on Political Parties, adopted in 2013, regulated the use of 30% of gender quotas in the lists of political parties. However, quotas were voluntary without any sanctions for non-compliance. Accordingly, in the 2014 parliamentary elections, only 31% of parties adhered to quotas. Nevertheless, 11% of the total number of deputies were elected, which was the highest rate of women's representation in the history of parliamentary elections in Ukraine. The Law on Local Elections, adopted in 2015, also enshrined voluntary 30% gender quotas. Most political parties complied with the quota requirement.

During the 2015 local elections, 15% of regional council deputies were women. In the last local elections in 2010, this figure was 12% [Komitet vybortsiv Ukrainy, 2015].

As a result of the election, the average number of women deputies in the councils of cities and regional centers was 18.1%. Compared to the previous composition of city councils, the situation with the representation of women in 11 out of 22 councils of cities and regional centers has improved.

A new stage in ensuring gender equality was the adoption of the Electoral Code in 2019, the new document sets a gender minimum for both genders at 40%. In particular, the code states that when forming electoral lists, a party must ensure that at least two candidates of each gender are present in each of the five electoral lists [Vyborchyi kodeks Ukrainy, 2020]. This norm applies to elections to the Verkhovna Rada, oblast, rayon, rayon city councils, as well as elections in communities with 10,000 or more voters.

The 40% gender quota enshrined in the Electoral Code was first applied in the 2020 local elections. It should be noted that 43% of women ran for election to 22 regional councils, as well as to 24 city councils of cities-regional centers.

The Ukrainian Women's Fund analyzed the electoral lists of political parties in elections to city councils of such cities as Lviv, Kharkiv, Khmelnytskyi, Zaporizhia, Zhytomyr, Odessa, Chernivtsi, Kherson, Vinnytsia, Kramatorsk, and Bakhmut.

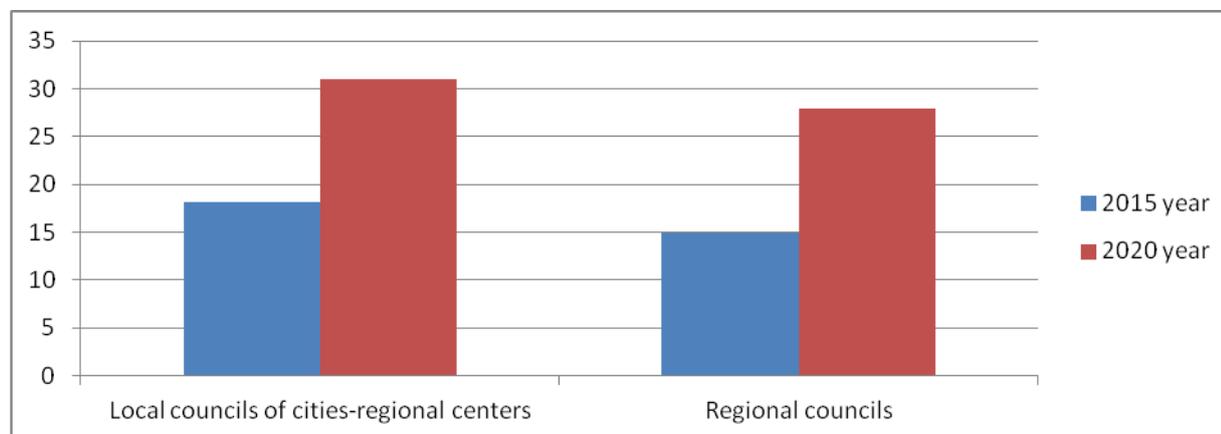
It was found that only in 28 lists out of 219 (13%) parties nominated women as "leaders" of unified lists. However, such representation of women on the voter lists does not necessarily mean a similar result in the elections, as the first candidates on the electoral lists of political parties receive priority in the counting of votes.

As a result of elections to regional councils, 27.8% of women were elected, and 32.7% of women were elected to city councils [Radio Svoboda, 2020].

We can compare the result of the 2020 local elections with the results of the previous 2015 elections. For comparison, let's take the result of the expression of will in the cities-regional centers. The level of women's representation in the city councils of the above-mentioned cities in 2020 increased compared to the previous elections from 18.1% to 31%.

*Illustration 3.*

### **Percentage of women deputies in local and regional councils of Ukraine**



Source: created by the authors based on .[ *Komitet vybortsiv Ukrainy, 2015; Radio Svoboda, 2020*].

Among the newly elected deputies of regional councils in 2020, the level of women's representation was 27.9%, in the previous elections women received 15% of seats. If we analyze the results of the elections to the city councils of regional centers, and compare them with the previous ones, we can see that there is an increase in the number of women deputies compared to the previous local elections. On average, there was a 1.8-fold increase in the number of women deputies. An increase in the number of female deputies can be traced in all regional centers without exception, especially significant progress in cities where women were the least represented before.

For example, in the Ivano-Frankivsk City Council, women's representation increased from 9.5% to 28.6%, and in Kirovohrad from 9.5% to 31%. This situation demonstrates the effectiveness of the mandatory quotas regulated by the Electoral Code.

**Conclusions.** Gender quotas have a broad legal framework based on international conventions, declarations and national legislation. Legislative candidate quotas and voluntary party quotas apply in European countries. Legislative quotas are often set at 30-40% for each gender.

The experience of the Nordic countries shows that, if gender equality is achieved in the political sphere, the application of quotas can be stopped, this should not lead to the disappearance of gender parity.

Gender quotas do not have a tangible effect immediately after application, at least several regular elections must take place. It is advisable to apply gender quotas together with other means of ensuring gender equality. Compliance with gender quotas is facilitated by sanctions for non-compliance.

The application of quotas leads to an increase in the number of women in elected bodies, which indirectly affects the strengthening of the state's attention to the "women's" spheres, including social. Ukraine's experience shows that enshrining gender quotas in legislation, even without sanctions for non-compliance, contributes to an increase in elected women deputies.

Thus, quotas are an effective tool in approximating gender parity, but other measures are also desirable to achieve results. Quotas help to achieve equal representation, but a mechanism must continue to ensure that men and women have equal influence in decision-making.

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