



Mandatory Women’s Quota of 40%

Spain

2007-2015

Electoral quotas that work

Summary

In 2007, Spain adopted a law that obliges political parties to include at least 40% of women on every list for every election. Two features are crucial to its effectiveness: firstly the measure incorporates effective sanctions – non-compliant lists are disallowed. Secondly, it is structured to prevent women being systematically allocated unwinnable places at the bottom of the list, since the 40% quota applies not only to the list as a whole but also to each group of five candidates.

The law has led to a steady increase in the number of women elected, and, interestingly, not only in the case of the socialist PSOE but also the conservative People’s Party (PP), which had previously opposed quotas.

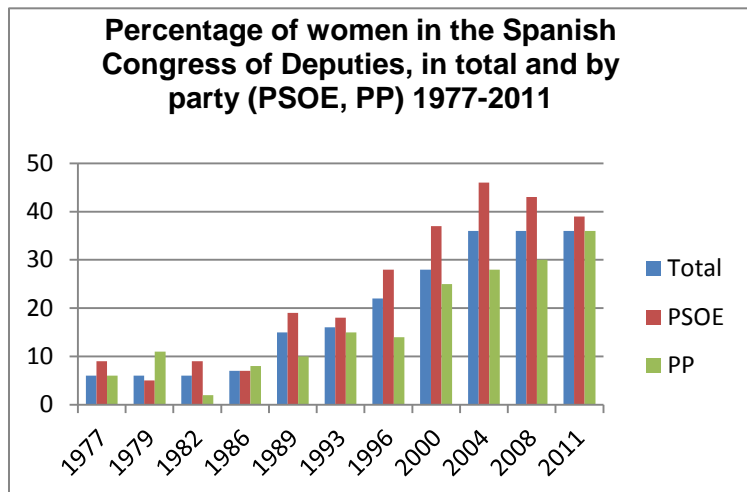
A good previous record

In Spain, even before the adoption in 2007 of a mandatory quota of 40% women in electoral lists in all elections, the number of women political decision-makers was comparatively high. The graph below illustrates this point: after the 2004 general elections, women accounted for 36% of members of the Congress of Deputies, which is the lower chamber of parliament. Members of the Congress of Deputies are elected by proportional representation under the d’Hondt system with closed and blocked lists. Thus, voters can (effectively) only vote for a political party as a whole and have no influence on the order in which party candidates are elected.

The Congress of Deputies is made up of 350 seats, divided among 52 constituencies – the 50 provinces plus the two North African territories of Ceuta and Melilla –

with the number of seats per constituency ranging from one in Ceuta and Melilla to 31 in Barcelona and 34 in Madrid. A threshold of 3% applies in each of the 52 constituencies, rather than across the whole country. These characteristics of the electoral system imply that electoral results tend to favour big parties and parties with geographically concentrated support.

The two main political parties have somewhat different gender profiles: after the 2004 general election 43% of socialist MPs representing the Spanish Socialist Workers’ Party (Partido Socialista Obrero Español, PSOE) were women, while the share for the conservative People’s Party (Partido Popular, PP) was only 30%.



The steady increase in the number of women elected between the late 1980s and the introduction of the mandatory women's quota in 2007 was due to the left-wing parties adopting women's quotas voluntarily. For instance, the centre-left PSOE adopted a 25% women's quota in 1988 later raised it to 40% in 1997 and in 2001 submitted a bill to reform the 1985 General Electoral Act. This first proposal was debated and rejected but it paved the way for subsequent reforms and pushed other parties and regions to take steps to increase women's participation. In June 2002, the regional parliaments of Balearic Islands and Castile-La Mancha, made zipping mandatory in lists competing in regional elections. At that time, left-wing parties had the majority of seats in both parliaments.

The successful lobbying for quota reforms by the PSOE Women's Committee as well as feminist social mobilisation played a crucial role in the whole process of statutory quota adoption. Women's Committees, usually established at the highest party level, often send representatives to party organs that elaborate electoral lists. Academic literature explicitly refers to cases where these representatives are key to making sure that party lists fulfil quota requirements and that a significant proportion of women is placed in winnable positions.¹

Political parties are gatekeepers in political decision making. In electoral systems which are proportional and have closed and blocked lists such as the Spanish system (with the exception of elections for the upper house or Senate), parties elaborate lists that voters choose in elections. Within parties, it is thus important that party feminists are collectively present at the highest organisational level to advance their claims including women's presence in political decision making.

Quotas adopted by left-wing parties also produced a contagion effect in the conservative PP, which vehemently opposed quotas of any type. Particularly after the adoption of the Electoral Law the distance between the PSOE and the PP regarding women candidates narrowed considerably.

Five good practice features

Among other provisions, the Spanish gender equality law (organic law 3/2007 of 22 March 2007) mandates parties to incorporate in all electoral lists no fewer than 40% and no more than 60% of candidates of each sex. This proportion has to be respected within each list every five positions. This mandate is in effect a 40% women's quota. The law, passed under the rule of the centre-left PSOE, has several strong points:



First, the law establishes effective sanctions since electoral authorities withdraw electoral lists that do not fulfil the requirement of the quota.

Second, the measure is designed to prevent abuse by political parties as the 40/60 proportion must be respected not only in electoral lists as a whole but also every five positions within each list. This requirement prevents parties from indulging in bad practices such as relegating the 40% of female candidates to the bottom of the list, thereby placing many of them in unwinnable positions. This is particularly important in proportional election systems, as it is the case in Spain, with closed and blocked party lists.

¹ See for instance: Jenson, J. and Valiente, C. 2003: Comparing Two Movements for Gender Parity. In L. Banaszak, K. Beckwith and D. Rucht (eds), *Women's Movements Facing the Reconfigured State*, Cambridge: Cambridge University Press. pp. 69-93.



Third, the adoption of the law did not require a change to be made to the constitution, which would have been a complicated process.

Fourth, the quota was in line with public opinion. Before its adoption, 58% of adult men and 75% of adult women in Spain supported mandatory women's quotas for all political parties.²

Finally, the quota contributed to an increased women's presence among PP representatives, even though the party had vehemently opposed quotas. As the graph above shows, in 2004 – before the adoption of the measure – women accounted for 28% of PP members of the Congress of Deputies. This percentage increased after the adoption of the quota to 30% in 2008 and 36% in 2011. Moreover, the quota has prevented any subsequent decline in women's access to political decision-making.

An effective measure

There is strong evidence that the design of quotas is important for allowing women to get into political office. Elements such as effective sanctions and a 'zipper' system built in the Spanish quota model clearly contributed to the success. Over the last decades Spain became (and remained) one of the Member States with the highest proportion of female politicians. Only Sweden and Finland currently have a slightly higher percentage of women among MPs – 43,6% and 41,5% respectively. Also at regional and municipal levels the political representation of women increased considerably which can partially be attributed to the electoral quotas as the Law applies to all elections including regional and local.

The quota measure aimed to increase the share of women among elected political decision-makers (in all elections) to at least 40%, and scholars have given its implementation a generally positive evaluation.³ Its application is monitored in that before any election, the electoral authorities verify that all lists comply with the 40% of mandatory quota.

As shown above, two key factors enabled the measure to achieve its target: credible sanctions for non-compliance (rejection of lists that do not comply with the quota) and careful design of the measure (the 40/60 proportion has to be respected within every five positions in each list). Factors that facilitated its approval include the facts that constitutional reform was not necessary, that there was a strong feminist movement led by the parties' women's sections which were successfully advocating for parity, thus influencing public opinion which became favourable to mandatory electoral women's quotas.

² Centro de Investigaciones Sociológicas. 2006. Study number 2,636 (March). www.cis.es (accessed 22 October 2014), March 2006 data.

³ Kenny, Meryl, and Tània Verge, Decentralization, political parties, and women's representation: Evidence from Spain and Britain. *Publius: The Journal of Federalism* 43 (1), 2013, pp. 109-128; Valiente, Celia, Women in parliament: The effectiveness of quotas, *Women and legislative representation: Electoral systems, political parties, and sex quotas*, 2012, pp. 129-139; Verge, Tània, Institutionalizing gender equality in Spain: From party quotas to electoral gender quotas. *West European Politics* 35 (2) March 2012, pp. 395-414; Verge, Tània, Regulating gender equality in political office in Southern Europe: The cases of Greece, Portugal and Spain. *Representation* 49 (4), 2013, pp. 439-452; Verge, Tània, and María de la Fuente, Playing with different cards: Party politics, gender quotas and women's empowerment. *International Political Science Review* 35 (1), 2014, pp. 67-79.



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quotaProject: Global Database of Quotas for Women. IDEA, IPU, Department of Political at Stockholm University <http://www.quotaproject.org/aboutProject.cfm>

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Spanish parliament in Madrid.Reuters/Chema Moya