

Does Gender Matter in Governance? Gender Quotas as a Good Policy Tool: Practice and Failures in Lithuania

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Abstract

Gender quota is seen as the result of affirmative action policy, focused on reducing gender bias and women underrepresentation. Proportional representation of both sexes in the public sphere, especially in politics and decision-making bodies of organisations, is seen as a democratic and economic necessity, an essential condition for developing gender sensitive policy. The paper presents analysis of initiatives to legislate gender quotas in Lithuania, by discussing the accounts used for proposals to adopt gender quotas, representing the standpoints of main political actors and identifying the obstacles of quota's legitimation.

Keywords: gender quotas, women representation, gender-sensitive policy.

Introduction

Good governance is about ensuring that policies and public institutions in a country respond to the needs of all citizens. Thus one of the keystones of good governance is considered an equal gender participation in decision-making processes. From the perspective of gender equality good governance should be gender-responsive, thus it has to take into account different priorities of both, men and women, in order to ensure democracy and to achieve sustainable socio-economic and political development. From a feministic institutionalism approach (Beckwith, 2007; Dahlerup, 2012; Mackay, Krook, 2011; Waylen, 2011 etc.) one of the main conditions for developing such gender-sensitive policy outcomes is a balanced representation of both genders in the government, state authorities and decision-making institutions. However, statistical data on men and women proportions in the labour market, management of the business sector and state governance bodies prove persistent and pervasive gender disparities even in democratic EU states.

In 2009 the proportion of women in the highest decision-making bodies of the largest publicly listed firms in the EU made up 10.9%; in 2011 the average share of women in national parliaments made up

24%, while national figures ranged from 9% to 46%. In the case of Lithuania, the highest rank of women in the Seimas was in 2004, 22%, meanwhile currently this figure is 18.4%. This statistical data on gender representation in politics shows that even in democratic states, where gender equality is protected by the Constitution, politics remains highly male-dominated. It allows to make the assumption that legislation of gender equality and prohibition of gender discrimination is not enough for good governance but special efforts of women empowerment, gender mainstreaming, gender budgeting and quota regulations should be made in order to allow women to participate on equal terms with men.

This gap between *de jure* and *de facto* equality has sharpened the focus on women's access to and participation in the structures and processes of governance. The idea of positive discrimination by the means of affirmation actions has been widely discussed at international and national levels of many European states. The importance of equal gender representation and incorporation of women's perspective in decision-making at all levels has been acknowledged and emphasized in international documents (e.g. Convention on the Elimination of All Forms of Discrimination against Women, 1979; Beijing Platform for Action, 1995 etc.). The endorsement of affirmative actions on the mean of gender quotas for political positions was claimed in 96/694/EB Council Recommendation of 2 December 1996 on a balanced participation of women and men in the decision-making process, the European Parliament resolution A5-0373/2000 as well as in the EU Strategy 2010-2015. It can be point out that the EU, recommending the development of a *dual track*: gender mainstreaming plus specific actions to advance women, concedes that positive actions for women are one way of compensating the existing inequalities.

Thus the United Nations and the EU call on national governments to take measures to ensure equal access and full participation in power structures and

decision-making of women as well as to increase women's capacity to participate in decision-making and leadership. In many countries policy-makers have responded by introducing gender quotas in politics and expressed interest requiring gender quotas for corporate boards. As of spring 2011, 52 countries have introduced gender quotas in elections by law. In approximately 40 other countries, at least some of political parties have voluntarily introduced gender quotas for their candidate list (see www.quotaproject.org). While the quotas take various forms, such measures now exist in more than 100 countries, with the overwhelming majority appearing in just last 15 years. The quota system is effectively used in Northern European states, where parties practice 40% quotas forming election lists. The quota policy in Central and Eastern European states is less popular, although some countries, e.g. Poland and Slovenia, have legitimated quotas, while in others, e.g. Lithuania, Czech Republic, Slovakia, etc., few parties adopted voluntary gender quotas.

The goal of this paper is to advance thinking around gender quotas as a good policy tool and to analyse its practice and failures in Lithuania. The paper continues debates between gender quota advocates and opponents from a good governance perspective and presents the historical overview of gender quota initiatives in post-socialist Lithuania by seeking to answer such questions as: How is gender quota related to the concept of good governance? What are the main ways of entering gender quota into the political agenda? What are practical initiatives of gender quotas and obstacles for legitimating quotas in Lithuania? The objectives of this research are: a) to analyse the link of gender quota to the concept of good governance; b) to discuss the main pro- and anti-quota arguments and gender quotas; ways to political agenda; c) to analyse gender quota initiatives in Lithuania, to reveal the main obstacles for legitimating quotas.

The methods of secondary data, political documents and legal acts analysis, comparative and qualitative content analysis were used. Analysis of legal amendments of bills, conclusions of different committees and departments responsible for the evaluation of bill amendments as well as speeches and opinions of parliament members (hereinafter MPs) and other political actors in Seimas sessions, mass media and personal blogs, complemented by analysis of historical, political and legal discourses allow to identify some main factors of quota failures in Lithuania. The stances of MPs on the issue of gender quotas provide useful tools to look deeper into the re-organization of the very principles and concept of representation in new democracies.

1. Gender Quotas: Theoretical Approach

1.1. Gender quota as fast-track policy measure

Over the past two decades political scientists have developed a significant body of knowledge on women and politics. The idea of gender quotas, as a mean of increasing women political representation in order to achieve gender-responsive outcomes of governance, is related to the theory of *politics of presence* proposed by Phillips and the theory of *critical mass* of Kanter (1997), which was later into the study on women in politics by Dahlerup (2006b).

Phillips (1995) argues that women and men suffrage is insufficient for gender equality *de facto*, thus special tools are needed for ensuring equality among candidates and elected persons. The main idea of "politics of presence" is based on biological and social similarities of one sex: women represent women's interests and expectations better than men due to common experiences, a similar way of thinking, filling and acting. Phillips states that these common practices increase the sameness of political preferences and encourage women to actualise and solve their problems in the public sphere. In other words, women, through their common identities, can contribute to the political discourse by adding their own perspective. While Phillips analyzes the importance of women presence in elected political bodies *per se*, Dahlerup (2006b) questions why women do not always appear to represent women once they are in political office.

Scholars and activists on gender and politics suggest that this pattern is due not to the inclinations of female office holders, but rather to the fact that there are fewer women than men in almost all elected assemblies. They argue that women are not likely to have a major impact on legislative outcomes until they grow from a few token individuals into a considerable minority of all legislators: only as their numbers increase women will be able to work more effectively together promoting women-friendly policy changes and influencing their male colleagues to accept and approve legislation that promotes women concerns (Childs and Krook, 2008, p. 725). The number of critical mass can vary from 15% to 40% but generally it is accepted that unless women constitute at least one third of those in decision-making, their mere presence makes little difference to the outcomes of governance.

These theoretical issues are widely reflected in political documents. Thus, one of the recommendations of the Beijing Platform of Action is "initiation of specific measures targeted to acquiring a short-term threshold of 30% for women in national decision-making positions, with a long-term aim of 50%"

(Groverman, 2005, p. 92). A similar approach is set in the Parliamentary Assembly of the Council of Europe Resolution 1825 (2011). More women in economic and social decision-making bodies is emphasised in the European Parliament Resolution of 13 September 2011 on Women Entrepreneurship in Small and Medium-sized Enterprises (2010/2275(INI)), etc.

Quotas represent a *fast-track policy* measure in contrast to the well known incremental-track model according to which gender equality will come in due time as the country develops (Dahlerup, 2012, p. vii). It is related to the fact, that quota adoption requires changes in institutional rules, that can be achieved relatively easier than transformation of other factors (e.g. gender norms, political culture, economic development), influencing the level of women in the government. Dahlerup (2006a) states that gender quotas create a possibility to promote women's representation in formal politics even when there are controversial attitudes toward them.

Thus during the last 15 years gender-based affirmative action mechanisms have become an increasingly prominent solution to women underrepresentation in electoral politics. As Krook (2008, p. 345) notices, states have begun to identify quotas as a new state-led strategy for incorporating women into public life and, by extension, for promoting feminist aims to improve an overall social, economic, and political status of women. Out of the countries that currently have gender quotas 61% have voluntary party quotas (often in combination with the other types), 38% – legislated candidate quotas and 20% – reserved seats (Pande and Ford, 2011, p. 8). The most recent upsurge of gender quotas embraced countries with various levels of economic development, diverse political culture and varying standards of socio-cultural life (Krook, 2008, p. 348–349).

In parallel with gender quotas spread all over the world, empirical research on gender quota adoption, implementation and impact have been conducted. Most scholars discuss success of affirmative action systems in terms of an ability of a quota regime to actually translate into an increased number of women in power (Tripp, Kang, 2008; Krook, 2009; Francheschet et. al., 2012). According to Marques-Pereira and Siim (2004), a gender quota and a zipping principle are two strategies, which could solve the problem of political underrepresentation of women and thus decrease the deficit of democracy.

The question whether women brought to power through positive discrimination are politically effective (i.e. able to implement their chosen political agenda) or consciously seek to improve the well-being of women is also important (Horowitz, 2009). A varied design of quota policies and implementation of

rates of quotas suggest that these measures are likely to have diverse effects on the composition of the political elite. The results of empirical research do not produce universal tendencies but rather conclude that analysis of gender quotas should be developed in political, economical, historical and social contexts.

1.2. Quota adoption: pro- and anti- quota arguments and ways to the political agenda

The question of adopting quotas is primarily based on debates between quota advocates and opponents. Pro- and anti-quota arguments, presented in mass media, analysed by scholars and politicians, indicate controversial aspects of this measure.

Gender advocates suggest that quotas ensure equal possibilities to participate in decision-making, encourage parties to include more women in election lists, diversify types of elected women, raise attention to women issues in policy making. Quotas are able to change the gendered nature of the public sphere and to inspire female voters to become more involved politically (Franschet et. al., 2012). Many of pro-quota arguments refer to *politics of presence*, *women make a difference* and *proportional or equal representation* as the expression of democracy ideas. Thus in the Global Database of Quotas for Women, such pro-quota statements are mentioned as: “*women's experiences are needed in political life; women have the right as citizens to equal representation; quotas can contribute to a process of democratisation by making the nomination process more transparent and formalised*”, etc. It is interesting that many quota advocates emphasise temporary use of such measures, until gender balance is achieved.

Anti-quota arguments refer to *discriminating, anti-democratic and mortifying women nature* of such measures, which might worsen social attitudes and crowd out other marginalized socio-economic or ethnic groups. Quota opponents argue that such means *demean women* by viewing them as undeserving and incapable of fulfilling the demands of the position (Karam, 2000). Women's political mobilization around quotas *represents a deceptively easy but ultimately ineffective focus on women's numerical presence in politics* and that diverts attention from more transformative goals to challenge deeply entrenched institutional biases and ways of working that prevent women political effectiveness (Goetz, 2002; Hassim, 2006a, cited in Horowitz, 2009, p. 15). If voters are forced to select a female candidate and feel their choices are thereby restricted, they may *lash out against women*. This backlash could also result from the perception that quotas violate social norms and *lead to increased discrimination* or even persecution of women. Furthermore, women who are select-

ed through quotas may *be stereotyped as less qualified* by colleagues or constituents, and this may nullify the gains of having a female leader (Pande and Ford, 2011, p. 13). Thus, quotas will facilitate access for “unqualified” women with little interest in promoting women concerns, reinforce stereotypes about women inferiority as political actors, and deter political participation of ordinary women (Franschet et al., 2012, p. 3).

Adoption of quotas can be made voluntary, through integration of a such norm in the internal documents of the party, or through the legislation process, which requires changes in electoral laws or even the Constitution.

Analysis of quotas should start from the question: how such measures reached the political agenda? What could motivation be to adopt gender quotas?

According to Franschet et. al. (2012), the main four ways of quotas to the political agenda can be named. Quotas are adopted:

1. Due to **women mobilization**, the aim of which is to *promote justice and equal representation* of women interests. Thus motivation of quota adoption is based on normative and pragmatic reasons. Quotas are seen as an effective and perhaps the only means for increasing political representation of women. Thus, the main motivation for adopting quotas is principled stands. These women may include women organizations inside political parties, women movements in a civil society, women groups in other counties, and even individual women, who lobby male leaders to promote female candidates;

2. Through the **adoption by the party elite** for strategic reasons, both in competition with other parties and in efforts to maintain control over rivals inside the party (Baldez, 2004; Chowdhury, 2002; Meier, 2004, cited in Franschet, 2012, p. 5). So quotas can reach the political agenda because of *electoral considerations*, when the party is seeking to overcome a long period in opposition or dramatic decrease in popularity; as *a convenient means to promote other ends* (Chowdhury, 2002); or as *empty gestures*, when the elites view quotas as a way to demonstrate a degree of commitment to women without actually intending to alter the existing patterns of inequality (Htun, Jones, 2002). If these motives are correct the adoption of quotas may be less about empowering women in politics and more about how quotas fit in with various other struggles among the political elites (Krook, 2009, p. 9–10);

3. Because they are **compatible** in distinct ways with **a number of normative frameworks**, i.e. they mesh with party- or country- specific norms. Research shows that left-wing parties are generally

more open to quotas because these match their goals of equality and fair access (Opello, 2006), while in some countries gender quotas are viewed as similar to guarantees to govern other groups based on linguistic, religious, racial, and other cleavages (Inheteven, 1999). In this case quotas are interpreted as a method to recognize the differences and the need for proportional representation. Finally, quotas tend to emerge during the periods of democratic innovation. In this case quotas are seen as the way of establishing legitimacy of the new political system during democratic transition or creation of new democratic institutions (Bauer, Britton, 2006). Taken together, these arguments analyze quotas in relation to their “fit” with features of the political context; they do not reflect principled concerns to empower women or pragmatic strategies to win or maintain power (Krook, 2009, p. 10);

4. Due to **support by international norms** spread through transnational sharing, primarily via declarations of international organizations recommending that member states aim for 30% women in all political bodies. The role of international actors, who are directly involved in the adoption process or who can compel national leaders to do so themselves, is essential. The main motivations in this case are *international pressure or trans-national learning*. International tipping appears in cases where international events provide new sources of leverage in national debate, shifting the balance in favour of local and trans-national actors pressing for quota adoption. Trans-national learning or emulation takes place in cases where local women movements and trans-national NGOs share information on quota strategies across national borders (Krook, 2009, p. 10).

In practice, the components of these four explanations tend to combine individual cases of quota reform. How quota reaches the agenda may have important implications for their perceived legitimacy and their potential to alter the dynamics of political representation (Franschet et al., 2012, p. 6). Thus, the adoption and implementation of quotas highlights the recruitment practices of the political elites indicating that political actors and dynamics are the central factor producing and mitigating inequalities in representation (Krook, 2009, p. 5).

2. Gender Quota Initiatives in Lithuania

2.1. Research methodology

The analysis of issues, related to gender quotas, might be developed in different trends: it might address various aspects of political life, i.e. public discourse, decision-making process, implementation, and the consequences of quotas (Dahlerup, 2003); it could be focused on the analysis of the main actors

and motivations for the gender quotas reform (Krook, 2009). The advocates of state feminism (Waylen, 2011) suggest that analysis of political processes and outcomes concentrate on these aspects: 1) how the issue was framed (into the context of the political arena or not); 2) openness of the policy environment (how political parties are open to changes); 3) presence of international norms; 4) cohesiveness of women movements; 5) priority given to the issue by a range of different actors.

In order to combine different approaches, analysis of gender quota initiatives in Lithuania is focused on the decision-making process and public discourse. Comparative evaluation of the bill of law amendment, stenographs, conclusions of the main committees and departments allow identify the main political actors and scrutinize official arguments or motivations for and against gender quotas. Since support of women movement mobilization and political parties are seen essential to quota adoption, articles in the Lithuanian internet media reflecting standpoints of women NGOs and political actors are also covered by the research. Articles were selected according to the following criteria: a) **content conformity** – the content of the article is related to the gender quota issue; b) **variety of actors** – articles that represent the opinion of different political, state institutions and civil society actors, such as Parliament members, the President, the Ombudsman of Equal Opportunity Office, women NGOs, etc. These articles were collected from different internet media sources – popular news portals (e.g., *delfi.lt*, *balsas.lt*, *lyrtas.lt*, etc.), websites of political parties (*Lithuanian Social Democratic Party (LSDP)*, *Liberals' Movement of the Republic of Lithuania (LRLS)* and women NGOs (*Women's Informational Centre*, *NGO Coalition for Women's Rights*). The research material from the Lithuanian internet media covered the period of 2003-2012, in total – 11 articles. The methods of secondary data, political documents and legal acts analysis, comparative and qualitative content analysis were used.

Quota adoption processes in Lithuania are viewed simultaneously in the context of national and international developments. The research questions are: What accounts were used for proposals to adopt gender quotas? Who were the main actors of gender quota initiatives? What are the obstacles of legitimating quotas in Lithuania?

2.1. Brief introduction to gender quota initiatives in Lithuania: historical context and content of bill amendments

The Lithuanian case is rather interesting in the context of gender quotas mainly because of several reasons. On the one hand, Lithuania has a rather long

tradition of women participation in national policy-making. Furthermore, in the Lithuanian collective memory there are quite a few women – strong personalities, perfectly qualified politicians and this fact is noticed by both, women and men parliamentarians (Matonyte, Mejere, 2011). Before its official admission to the EU in 1998 Lithuania adopted the law on equal opportunities for women and men, the office of the Ombudsman on gender issues was created in 1999, and the program for equal opportunities of women and men was launched. From the very beginning of a democratic life, Lithuanian political parties started carving their identities in respect to gender issues: practically all of them tried to appeal to women voters, some created women divisions within their organizational structure, and the Social Democratic Party of Lithuania practiced gender quotas (Matonyte, Krupavicius, 2003). Moreover, in 2002 the amendments of the Law on Equal Opportunities of Women and Men (IX-956) legislated the possibility to apply specific temporary measures, set by law and “aimed at accelerating the guaranteeing of factual equal rights for women and men, (...) which must be repealed upon implementation of equal rights and equal opportunities for women and men” (Article 2, part 3.6., No. IX-956, 2002-06-18). Hence, one should expect that adoption of legislative gender quotas would not meet much resistance in the post-communist Lithuania. However, this expectation does not meet reality: Lithuanian politicians objected establishment of that measure on the national level.

During the past 10 years at least four attempts to adopt gender quotas could be identified. The first bill to establish gender quotas in election to the councils of local municipalities (IXP-1272) was registered in 2001-12-12 but after its first introduction to the Seimas in 2002-10-03 it was returned to the authors for further improvements.

The advent of the EU membership, followed by the European Parliament election in 2005, provided the conditions for a renewed discussion of gender quotas as a means of increasing women political representation, and bringing greater gender equality into politics. Thus the new amendments to the Laws on Election to Local Councils (XP-262), the European Parliament (XP-263), and the Seimas (IXP-2336 in 2003 and XP-264 in 2005) proposing to apply quotas to ensure balanced participation of women and men in party electoral lists were initiated. However, all of them were also defeated by the Seimas.

After the national parliamentary election of 2008 which returned a conservative majority absence of a critical evaluation of gender issues and lack of public debates on the subject further distanced women political groups from gender equality issues and

activists (Matonyte, Bucaite-Vilke, 2012, p. 159). A new impulse to return to the problem of women underrepresentation, namely in management boards of state and local municipalities owned companies, was debates on women participation in decision-making bodies at the European level and their results in the form of the Parliamentary Assembly of the Council of Europe Resolution 1825 (2011) More Women in Economic and Social Decision-Making Bodies and the European Parliament Resolution of 13 September 2011 on Women Entrepreneurship in Small and Medium-Sized Enterprises (2010/2275(INI)). Thus in 2011 the draft of the amendment to the Law on Women and Men Equal Opportunities (XIP-3380(2)), proposed to apply quotas to ensure that at least 30% of women would be on the boards state owned companies and institutions was registered. However, after its first presentation to the Seimas it was also returned to the authors for further improvements.

All suggested bills (except the last initiative) were devoted to the *improvement of the election system, promotion of a gender balance in legislature* and creation of better social conditions for the *implementation of equal possibilities*.

Vesaite proposed to establish the norm that the representatives of one sex should not compose more than 2/3 of 10 candidates on the party list during election to local councils, the Seimas and the European Union Parliament. She proposed two additional regulative mechanisms, i.e. a) a possibility to put only two representatives of the same sex one after other on the list; b) if the candidates list is composed in a different way the electoral poster should be marked with the text, that “the candidates’ rank on this list is not based on a legislative proportional gender representation”. It has been noticed that the idea to adopt 30% gender quotas refers to the critical mass theory, which implies that a considerable minority is needed in order to achieve gender responsive outcomes of governance. However, these bills can be evaluated controversially: on the one hand legislation of gender quotas is proposed, on the other hand, no negative consequences or penalties in case of a failure to comply to the law are set (except informational mark on posters). Thus a legal responsibility of such legislated quotas remains questionable. Such le-

gal norm is acknowledged as being against the principle of a legal state (Lietuvos Respublikos Seimo, Teisės ir teisėtvarkos komitetas, Pagrindinio komiteto išvada „Dėl Lietuvos respublikos savivaldybių tarybų rinkimų įstatymo 34, 40, 41 straipsnių pakeitimo ir papildymo įstatymo projekto atitikimo Lietuvos respublikos konstitucijai (XP-262), 2005.12.02; Teisės ir teisėtvarkos komiteto išvada „Dėl preliminaraus įvertinimo ar Lietuvos Respublikos rinkimų į Europos parlamentą įstatymo 36 ir 43 straipsnių pakeitimo ir papildymo įstatymo projektas (XP-263) neprieštarauja Lietuvos Respublikos Konstitucijai“, 2005.12.02).

Analysis of letters of explanation to the bills has showed that the main reason of these initiatives is named *underrepresentation of women in the main state authority institutions* (local municipality councils, the Parliament) as well as on the boards of state owned companies. Since the restoration of Lithuania’s independence in 1990, throughout 6 tenures in the Seimas the average number of women in the Seimas reached around 15%. A higher rank of women (20.6%) was in 2004-2008 Seimas, the least (7.1%) – in 1992-1996 Seimas despite the fact that the election was won by the Lithuanian Social Democratic Party which officially supports women emancipation. A low result of women representation in this period was influenced by patriarchal policy used by other political parties: Christian Democratic, Conservative and Nationalist Parties which followed the slogan “Women, come back, take care of the hearth and home!” Thus during first years of transition to democracy the Lithuanian political discourse was powered by ideologies common to all post-soviet countries during this period, i.e. liberal individualism, Catholicism and nationalism (Gal, Kligman, 2000).

According to the data on women representation in the national Parliament compiled by the Inter-Parliamentary Union on the basis of information provided by the National Parliaments by 31 March 2012, Lithuania is 67th among 189 countries around the world but only 21st among the EU member states (see Table 1.) Meanwhile presently women make up 18.4% in the Lithuanian Parliament, women hold office of the President, the Minister of the National Defence and the Minister of Finance.

Table 1

Women in the national parliaments of the EU states

EUROPEAN UNION CLASSIFICATION									
Rank	Country	Lower or single house				Upper house or senate			
		Elections	Seats*	Women	% W	Elections	Seats*	Women	% W
1	Sweden	9 2010	349	156	44.7%	---	---	---	---
2	Finland	4 2011	200	85	42.5%	---	---	---	---
3	Netherlands	6 2010	150	61	40.7%	6 2010	5 20	75	27
4	Denmark	9 2011	179	70	39.1%	---	---	---	---
5	Belgium	6 2010	150	57	38.0%	6 2010	6 20	71	29
6	Spain	11 2011	350	126	36.0%	11 2011	11 2	263	88
7	Germany	9 2009	620	204	32.9%		N.A.	69	19
8	Slovenia	12 2011	90	29	32.2%	12 2011	11 2	40	1
9	Portugal	6 2011	230	66	28.70%	---	---	---	---
10	Austria	9 2008	183	51	27.90%	9 2008	61	19	31.10%
11	Luxembourg	6 2009	60	15	25.00%		---	---	---
12	Poland	10 2011	460	109	23.70%	10 2011	100	13	13.00%
13	Latvia	9 2011	100	23	23.00%		---	---	---
14	United Kingdom	5 2010	650	145	22.30%	N.A.	827	181	21.90%
15	Czech Republic	5 2010	200	44	22.00%	---	---	---	---
16	Italy	4 2008	630	136	21.60%	4 2008	321	61	19.00%
17	Bulgaria	7 2009	240	50	20.80%	---	---	---	---
18	Estonia	3 2011	101	20	19.80%	---	---	---	---
19	France	6 2007	577	109	18.90%	9 2011	347	77	22.20%
20	Greece	10 2009	300	56	18.70%	---	---	---	---
21	Lithuania	10 2008	141	26	18.4%	---	---	---	---
22	Slovakia	3 2012	150	26	17.30%	---	---	---	---
23	Ireland	2 2011	166	25	15.10%	4 2011	60	18	30.00%
24	Romania	11 2008	330	37	11.20%	11 2008	136	8	5.90%
25	Cyprus	5 2011	56	6	10.70%	---	---	---	---
26	Hungary	4 2010	386	34	8.80%	---	---	---	---
27	Malta	3 2008	69	6	8.70%	---	---	---	---

(Inter-Parliamentary Union, 2012, <http://www.ipu.org/wmn-e/classif.htm>)

The situation of women representation in the councils of local municipalities is better: the average percent of women since 1997 till today reaches 21%. It is obvious that the local level is less powerful, thus competitive and more open for women.

According to statistical data on women in the business sector, Lithuania is in the middle of the EU: only 3% of women are in leading positions and 13% – on the boards of companies.

Thus women representation in the government and decision-making bodies does not reach the level of critical mass as one of essential conditions for good governance, which responds to the needs of all citizens. Motivation for adopting gender quotas address proportional representation, justice and democracy emphasising that “*if only one part of soci-*

ety participates in decision-making it means that decisions are jug-handled because women's opinions are not taken into consideration. (...) Society is democratic insofar as many women participate in decision-making”, etc. It is interesting that later, namely in the letters of explanation of the bills registered in 2005, these principle concerns to empower women and motivation that gender quotas are compatible with a democratic transition were strengthened with reference to international norms, e.g. the European Convention on Human Rights, the Treaty Establishing a Constitution for Europe. It might be determined by the fact that in 2004 Lithuania joined the EU thus reference to international, especially legal norms of the EU, might serve as a stronger argument to patriarchal parliament members.

Motivation of the last bill amendment on the adoption of gender quotas for the boards of state owned companies outlines an international pressure, namely the inducement of the Parliamentary Assembly of the Council of Europe to set measures, which would break “glass ceiling” that prevent women from competing in professional spheres, and obligate big companies to have at least 40% of women on their boards (Resolution 1825 (2011) More Women in Economic and Social Decision-Making Bodies). Moreover, presenting this bill to the Seimas the initiator emphasised extremely economical aspects of this proposal, reminding a positive relationship between women in management and improved financial and organisational performance, corporate governance and profitability. *“Those big companies, which have women on their boards, work more economically and effectively than those without women. Research show that if there were more women on the boards of our banks we would not have crisis nowadays because women make decisions in a more responsible way and are not inclined to risk investments,”* said Vesaite (Seimas meeting, 29 March 2012, Minutes No. 420).

Thus, analysis of official reasons to adopt gender quotas in the letters of explanation shows that motives firstly cover normative reasons and expansion of representation guarantees as well as compliance with the normative framework of democracy. International tipping appeared after the advent of EU membership: quota adoption refers to international recommendations and resolutions. Despite the fact that gender quota initiatives are strategically in line with the political climate of Lithuania they have not got enough support from Parliament members and committees.

2.2. Positions of the main political actors engaged in public policies on gender equality

All these bills were primary initiated by the members of the Social Democratic Party: Birute Vesaite, who publicly presented herself as a feminist, and Juozas Olekas. The draft of the amendment to the Law on Election to the Seimas (IXP-2336) was also supported by their colleague Giedre Purvaneckiene, who is also known as a consultant on family and women issues at the office of the Government of 1994-1997 and one of the founders of Centre on Women Studies at Vilnius University.

Some scholars argue that efforts to adopt gender quotas and nominate more female candidates rarely occur in the absence of women mobilisation. A velvet triangle of state feminists, party women and women movements is needed in order to empower women for political actions (Lombardo et. al., 2007). Organising women in all stages of transition, cohesion and

interaction on the state and political arena are seen as a necessary condition for positive outcomes (Waylen, 2011, p. 156). In theory all deliberative sites and formal decision-making procedures (aimed at transposing gender equality norms) in Lithuania are open to all kinds of NGOs, labour unions, experts, and representatives of a civil society (Matonyte and Bucaite-Vilke, 2012, p. 168). However, in the case of gender quota drafts, organizations of a civil society have remained apart from consideration, and mostly limited their engagement to informal discussions, seminars, conferences and other events that are peripheral to the decision-making process. Only in the case of the first draft of the amendment to the Law on Election to Local Councils (IXP-1272), the Coalition of Non-Governmental Organisations for the Promotion of Women’s Rights, which cooperates with the Office of Equal Opportunities Ombudsman, officially supported this initiative by formulating a public appeal to the Seimas to pass this draft. The other case of the third sector support of gender quotas and NGO attempts to participate in consideration procedures and influence decisions of the political actors can be proposals of the Lithuanian Women’s Lobby to the political parties, presented at the press conference to Parliament members on 15 May 2012. The proposal focused on different problematic areas of gender equality, such as development of family-friendly policy, women empowerment in the business sector, systematic approach to domestic violence, etc. Members of the Lithuanian Women’s Lobby referring to the European Commission Strategy for Promoting Equality Between Men and Women 2010-2015 also proposed the political parties to practice gender quotas in upcoming elections to 2012-2016 Seimas and support gender equality in decision-making promotion initiatives, i.e. seek to ensure that at least 40% of the members of elected bodies would be made up of one gender. In other words, the Lithuanian Women’s Lobby proposed to adopt temporary gender quotas in all decision-making institutions in the public and private sectors: the Government, entities, boards, etc. As J. Seduikiene, director of the Women Informational Centre has noted, “gender quotas might be applied for several tenures, until society would induce women politicians and their numbers would increase” (Seduikiene, 2012). However, she pessimistically concluded that equality of women and men is not a priority issue in Lithuania.

Although the process of bill amendments on the adoption of gender quotas in election to local councils and the Seimas lasted several years and was debated by the Seimas the role of women organisations was insignificant. The Committee of Legal Affairs received no proposals, comments or amend-

ments from citizens, social organisation, political parties or other interested groups while considering the drafts IXP-2336, XP-262 and XP-263 in 2003 and 2005. Such lack of civil initiatives and weak political engagement while considering the drafts may be explained by a highly scattered and fragmented women's organisations.¹ According to the database of Lithuanian women NGOs (<http://www.lygus.lt/ITC/nvo.php>), the main activities of these organisations cover education, consultations, assistance, spread of information, publishing, culture, and only few of them give priority to promoting the gender agenda at the national level.

On the other hand, gender quota initiatives were not developed on a coordinated strategy, they were fragmented. As it has been emphasised in the academic discourse on women empowerment, the results might have been achieved if different activities were coordinated and combined, i.e. legal initiatives should be followed developing social awareness and understanding of quota policy. Involvement of different actors, especially cooperating NGOs, politicians and bureaucrats (*femocrats*) serves as a multiplied power in promoting women-friendly results in public policy. In the case of Lithuania there have been a few attempts of individual parliamentarians and NGOs but a common concept or coordinated strategy to debate and establish quotas as well as a strategy to involve other social partners were lacking (Taljunaite, 2004).

The voice of a civil society and some politicians cannot alone influence policy changes: legislative efficacy also matters. Other mechanisms aimed at achieving substantial representation of women in the form of expected outcomes commonly discussed in literature are different forms of cooperation and mobilization within the parliament and its linkage with women institutions. According to Tinker (2009, p. 13), "building coalitions for specific legislation is essential when the political elite is considering new policy". It should be noted that in 2005 bill amendments to Laws on Election to the Seimas (XP-264), the European Parliament (XP-263) and local councils (XP-262) were proposed by the Women Parliamentarian Group and its leader Vesaite. On the one hand this group set up in December 2004 with aim to seek that laws on women's life would be considered by the Seimas showed a unique coalition of all women

¹ In 2005-2010 there were 125 NGOs in Lithuania oriented towards promotion of women interests, equal gender opportunities, and related subjects (<http://www.lygus.lt/ITC/nvo.php>). Most of these organisations prioritise actions against social inequality, reducing female poverty, promoting and organising cultural and educational activities for women and other aspects which do not directly lead to active participation in parliamentary deliberations and/or preparation of some law initiatives (Matonyte, Bucaite-Vilke, 2012, p. 169).

MPs. On the other hand in practice this group lacked internal solidarity and ability to look for compromises therefore in 2006 about half of women left this coalition because of different approaches to legal, social and other issues and it was not set up in the re-elected Seimas 2008.

Despite the fact that the share of women elected to the Seimas in 2008 decreased from 22% to 18.4%, the factor of ideological political party dominated over solidarity among women MPs. Thus women MPs of the Liberal Union, Homeland Union and Christian Democratic Parties referred to such anti-quota arguments as "quotas mortifying nature", "ignorance of equality of opportunity", "quota allocation is not based on competence and qualification" (Cekanaviciene, 2011; Nagele, 2010; Basarovas, 2012). For instance, Irena Degutiene, Speaker of the Seimas, equated gender quota practice to people's screening and added that she would not like to take this position just because she is a woman. She would like to be assessed according to results and achievements (Cekanaviciene, 2011).

On the institutional level another actor, apart from the Seimas, engaged in public policy on gender equality is the independent Office of Equal Opportunities Ombudsman (OEOO), former Ombudsman for Equal Opportunities for Women and Men (OEOWM). Among a variety of functions it submits recommendations and proposals to the Parliament, governmental institutions on the priorities of gender equality policy, including recommendations on amendments to relevant legislation (<http://www.lygybe.lt/?pageid=26>). While this office did not make any official recommendations on the drafts of amendments, the ombudsmen A. Burneikiene has officially expressed her position to the Seimas and society many times. Thus on 9 April 2002 presenting a report on OEOWM activities to the Seimas she applied to PMs to support amendments to the Law on Equal Opportunities of Women and Men concerning the legislation of positive actions to accelerate implementation of women and men equality *de facto*. Despite her positive opinion towards legislation of a possibility to launch affirmative actions she demonstrated a reserved opinion on adopting legislated quotas emphasising conservative attitudes of society.

"Legislators could think about forms of positive discrimination proposed by Vesaite and Purvaneckiene (...) I think there should be balance in society. No doubts, such norms should be temporary, even non legislative. They might be laid down in party documents as it is done in Northern countries (...) today we see mainly men elected. (...) I'd like to emphasize that everything should be done step by step in society. Sometimes such rapid changes are difficult

to be implemented. So firstly we need to talk, talk and talk with society, and only take actions later” (Seimas meeting, 9 April, 2002, Minutes No. 215).

It is interesting, that 10 years later Burneikiene, still Ombudsperson of OEO, expressed a stronger support to legislation of gender quotas referring to “women makes differences” (Phillips, 2002) ideas. “Different studies show that women’s voices remain unheard if there aren’t at last one third of one sex in the collective (...) Even legal acts would be of higher quality and better fit society demands”, she said discussing a misbalanced representation of women and men in the Seimas (Basarovas, 2012).

Despite the fact that bill amendments on adopting gender quotas were primary initiated by the representatives of Social Democratic Party, as the only party which has established gender quotas in the party Statute, a lack of solidarity and diverse viewpoints on the quota issue among its members are evident.

Algirdas Butkevicius, party leader as well as women LSDP members, express a positive opinion on practices of gender quotas as “a mean of involving more women in politics”, challenging the norms of patriarchal society and emphasize different impacts of women and men participation in legislation and governance. “Women have a different approach to many things, thus their representation is very important when decisions on family, care of children and elderly people, education and economic issues are made” (Vesaite); “When male politicians overdrive, women are able to calm them down. Moreover, women are more hard-working and responsible” (Butkevicius) (Basarovas, 2012).

Thus, many LSDP members have a positive attitude toward gender quotas and recognise the significance of this good policy mean, however, this posi-

tion of the party is not supported by some members. “We should decide on our priorities. Is it to get as much mandates as possible, or to have more women on the list?” J. Budrevicius’s opinion about the party’s decision to apply gender quotas to candidates to local councils in 2002. According to him, “gender quotas had negative consequences, such candidates were a real ballast” (Gudavicius, 2003). In other words, gender quotas are assessed more like a barrier than a measure to receive more votes. Algimantas Salamakinas, another LSDP member, also expressed his negative viewpoint toward legislated women quotas raised by Vesaite in a conference to commemorate International Women’s Day on 8 March 2010. He said: “The voter has to elect according to his mind, not gender. I have always been skeptical to the obligation to set a number of women. After all, then workers may require to have 40% of their representatives in the Seimas, alike requirements may be raised by sexual minorities, etc.” (Nagele, 2010). This LSDP member sees gender quotas as an additional guarantee for women to come to power.

Generally speaking there is a common thinking that those parties that have a higher representation of women are weaker in polls: “the more there are women in the party the weaker the party is” (Tajunaite, 2004). Such conclusions are based comparing lists of women candidates to the list of women elected to the Seimas in 2004. The same tendency was observed in the Seimas election 2008 (see Table 2). The Homeland Union-Christian Democratic Party, which got the biggest number of seats, had only around 20% of women on their candidate list, meanwhile many other parties, which had more women on their lists, were either not elected or got few seats.

Table 2

Women on candidate lists vs. women elected to the Seimas, 2008

Political party/ Coalition	Number of candidates on the list	% of women on the list	Number of women among first ten candidates	Total number of mandates (W = mandates won by women)
Lithuanian Union of Russians	34	53	5	-
Electoral Action of Poles in Lithuania	143	39,9	3	3 (W=0)
Democratic Labour Party	63	38,1	5	-
Lithuanian Centre Party	55	36,4	1	-
Coalition Labour party + Youth	131	34,4	2	8 (W=2)
Young Lithuania Party	46	32,6	5	-
Nation Resurrection Party	74	31,1	3	16 (W=6)
Civil Democratic Party	36	30,6	2	-
Labour Party	68	29,5	2	2 (W=1)
Lithuanian Social Democratic Party	141	28,4	3	25 (W=4)
Lithuanian Peasant Popular Party	125	27,2	6	3 (W=1)

Liberal and Centre Union	101	26,7	2	11 (W=2)
Front	88	26,1	2	-
Order and Justice	141	24,8	1	14 (W=1)
Lithuanian Popular Socialist Democratic Party	50	24	2	-
New Union (Social Liberals)	138	21	2	1 (W=0)
Liberal and Central Union	141	20,6	1	8 (W=0)
Homeland Union- Christian Democrats	142	19,7	2	45 (W=9)
Democratic National Freedom League	3	1	1	-
Right Union of Lithuania	2	0	0	-

Probably the position of Dalia Grybauskiate, in June 2009 first elected female President of the country and today strongly supported by society, might also play an important role in the process of adopting gender quotas. It is interesting that in 2010 and later in 2011 the President publicly criticized the recurring idea of promoting women political representation through institutionalizing gender quotas. Dalia Grybauskaitė in particular underlined that gender quotas might diminish the political value of general qualifications and professional competences of women. The President underlined that she would not like to be part of women quotas (Matonyte, Mejere, 2011, p. 101). *“I am not so open to positive discrimination, so called adoption of quotas, thinking about Lithuania. (...) Developed democracies probably do not need quotas. Firstly, I appreciate the qualification and human characteristic in representation of both genders,”* she pointed in the press conference on 30 June 2011 when a high level conference on women rights and their role in strengthening democracy took place in Vilnius (D. Grybauskaitė: lyciu kvotos Lietuvoje nebutinos, 2011). While the President recognizes women insufficient representation in state authorities and public administration institutions reserved seats or legislated candidate quotas are not seen as a tool to solve these problems. Such opinion of the President on gender quotas seems to be strange because of the fact that in 2004 she, at that time the Minister of Finance, became a Lithuanian representative at the European Commission, the composition of which is based on the principle of a “country-quota” and reaction to a strong encouragement by the EC for the new EU member states to delegate female politicians as European commissioners.

While from supranational perspective gender equality policy is regulated by soft law the positions of international actors engaged in its development at the EU level might be essential for gender quota initiative and political debates at the national level.

Analysis of the Lithuanian internet media shows that gender quotas as a tool of good gover-

nance is strongly supported at the EU level. For instance, Michael Gustafsson, Chairman of the Women’s Rights and Gender Equality Committee of the European Parliament, publicly calls himself “a pure feminist” and emphasizes that women quotas on the boards of enterprises might help to solve women underrepresentation or the problem of “men quotas” (Moteru komiteto pirmininkas: noriu panaikinti vyru dominavima, 2012).

Viviane Reding, member of the European Commission responsible for justice, human rights and citizenship, has a controversial opinion on gender quotas. On the one hand she states that legislation of *gender quotas is a mortifying tool*. On the other hand she recognizes that it is the only way to ensure gender equality when it cannot be achieved on voluntary a basis (Navickaite, 2011). Her arguments for legislated gender quotas on the boards of enterprises are referred to normative and pragmatic reasons, i.e. women as an unaccepted force of economical progress, equality as a fundamental human right.

Concluding it should be emphasized that the failure of gender quota initiatives are in part determined by such institutional and cultural factors as a lack of women PMs mobilization and solidarity, scattered and fragmented women organisations a in civil society, the existing anti-quota attitudes among party members, practising of this measure in all elections as well as a negative position of the President, the Speaker of the Seimas. Assumptions of scholars that gender quotas might be adopted for competitive reasons, because of electoral considerations or due to support by international actors are not valid in the case of Lithuania.

2.3. Legal and normative obstacles to quota legislation

Officially two main reasons for rejecting amendment drafts to adopt gender quotas could be identified. Firstly, *unconstitutionality* of the bill was declared by the Committee for Legal Affairs. Such verdict was made on all proposals, except amend-

ments of the Law on Election to Local Councils in 2003 (IXP-2336) and amendments of the Law on Equal Opportunities of Women and Men (XIP-3380(2) in 2011, which were returned for further improvements. The main arguments on unconstitutionality of amendments were related to: a) them being *against the principle of a legal state* because of a lack of legal responsibility in the case of failure to comply with the requirement to compose the list of candidates of 30% of gender quotas (Resolution of the Committee for Legal Affairs on the amendment of Articles 34, 40, 41 of the Law on Election to Local Municipalities, XP-262; amendment of Articles 36, 43 of the Law on Election to the European Parliament, XP-263); b) them being in *contradiction to the principle of anti-discrimination* and the *constitutional right to form political parties on a free will*, laid down by the Constitution, Article 29, Part 2 and Article 35, Part 1 (Resolution of the Committee for Legal Affairs, 23 November 2003). It is interesting that the proposal to apply gender quotas in election to the Seimas was acknowledged as contradicting to the principle of anti-discrimination, even after amendments to the Law on Equal Opportunities of Women and Men (VIII-947) concerning the legislation of positive actions was adopted on 18 June 2002. Thus gender quotas are not accepted as a form of positive actions, that might be applied to increase insufficient representation of women in the main decision-making bodies but it is rather seen as a tool of discriminating other groups, even men, in the case of setting up the Women's Party. During the deliberation process of the bills, the Legal Department emphasized the "advantages" of open lists, when voters can rate the candidates by themselves. According to this Department, it is a sufficient and appropriate tool for promoting proportional representation of women (Resolution of the Legal Department of the Seimas No. XP-264, 12 April 2005). Thus, the only way to adopt gender quotas is constitutional reforms.

The second reason for rejecting amendment drafts to adopt gender quotas is related to an individual level of *patriarchal* and *ideological attitudes* of PMs. Because no PMs were interviewed the only way to reveal their opinion on gender quotas is to analyse the stenographs of Seimas sessions when the bills were discussed and to do analysis of articles on the internet media where PMs expressed their ideas on the gender quota issue.

It should be noted that only two bills related to the gender quota issue were discussed in Seimas sessions, i.e. amendment of the Law on Election to Local Councils (IXP-2336) discussed on 3 October 2003 and amendment of the Law on Equal Opportunities of Women and Men (XIP-3380(2) presented to the Seimas on 29 March 2012.

While few women and even less men PMs expressed support to gender quotas voicing the concept that "**women make difference**" and determining **differences in social behaviour** biologically ("*women are more sensitive to such public services as water and heating supply and are more competent on these issues*", Vesaite, stenograph No. 420 of Seimas session, 29 March 2012; "(...) *women are able to calm everybody. They are more industrious and responsible*", social democrat Butkevicius in Bašarovas, 2012); to legislate positive actions, **the power of quotas increases popularity of political parties** ("*Social Democratic Party has gender quotas, thus we actually keep to this law. We exercise our rights. I think we will remain the political party, where women come to*", Vesaite, stenograph No. 292 of Seimas session, 3 October 2002; **recommendations of international organisations**, etc.; men PMs reacted in a defensive way expressing traditional anti-quota arguments. In 2002 liberal MP Lydeka and christian democrat MP Dagys raised a question whether gender quotas measures do not contradict the (liberal) Constitution of Lithuania; another liberal MP Vazbys referred to an anti-liberal nature of any quotas, be they of a gender or any other character (race, ethnicity, language, social origin and status, religion, faith, etc.) by commenting proposals to amend the Law on Election to Local Councils (IXP-2336) and set quotas for other social categories as "*illogical and unnatural*". Liberal MP Jucas preferred traditional political life without gender quotas, comparing them with medication: "*it is cheaper to recover from illness without medication*" (stenograph No. 292 of Seimas session, 3 October 2002). In general, liberals claim that they declare equality by creating equal opportunities for men and women to participate in elections: "*We all are equal and nobody can be more equal!*" liberal MP Imbrasas (Basarovas, 2012).

The process of considering adoption of gender quotas is especially actualized by upcoming election to the Seimas in October 2012. As a response to the call of the Lithuanian Women's Lobby to apply gender quotas to candidate lists the Committee for Human Rights and Civil Society of the Liberal Union presented their anti-quota position saying that quotas contradict the fundamental human rights and freedoms, namely the right to choose personal way of self-realisation, as well as to men's and women's freedom of choices under equal opportunities: "*We should not force women or men to express themselves in the fields, which are not under their interests or wishes. It is against a free, creative and responsible objective of humans, established in our program*" (Liberals: Gender Quotas Contradict the Principle of Equal Opportunities for Men and Women, 2012). From a feminis-

tic perspective such position of the Committee officially based on the principle of equal opportunities is closely related to “equal behaviour approach”, which, according to some scholars (Squires, 2005; Gueriina, 2002; Verloo, 2007 etc.), lacks criticism of dominating patriarchal attitudes. Arguments, presented by the Committee for Human Rights and Civil Society of the Liberal Union, focus on women’s reluctance to participate in politics rather than masculinised nature of state authorities or men’s domination.

Interesting that on the one hand many women and some men PMs recognize the problem of women underrepresentation in decision-making bodies and a strong stereotype of politics as men’s realm and agree that more women in politics could influence gender sensitive and responsive to all citizens governance; on the other hand they object gender quotas and prioritize women’s qualification and personal characteristics. The main argument against affirmative actions is that it violates the rights by ignoring equal opportunities based on competence and qualification.

Another factor preventing to adopt gender quotas at the national level is Soviet experience of quotas for women (*sic!* not gender). Despite the fact that the state has been enjoying democracy for over 20 years past experiences are still evident. When presenting amendments to the Law on Equal Opportunities for Men and Women (XIP-3380(2), Labour Party MP member Zasciurinskas referred to the Soviet times when the number of women in some organisations was fixed. In a similar manner central liberal MP Mazuronis commented the idea of gender quotas to a journalist: “*Gender quotas came from the Soviet times, when representatives of certain professions had to participate in election. Adoption of gender quotas is an evident disrespect and distrust of women*” (Basarovas, 2012). Thus it can be assumed that such comments and attributing gender quotas to the soviet heritage is determined by the fact that politicians, lobbying for quotas, do not point out that they are not discussing re-establishment of Soviet style quotas but social democratic quotas that are in practice in Northern countries.

Conclusions

1. Gender quota is a fast-track policy measure that enables promotion of women representation in decision-making bodies and thus creates conditions for gender responsive outcomes of governance. Despite a variety of gender quotas and their implementation in different countries many scholars and politicians agree that gender quotas might be an efficient means addressing gender imbalance in politics. To adopt such measures women mobilization, practice of party elites for strategic rea-

sons, compatibility of quota policy with the normative framework and support of international organisations are needed.

2. Gender quota initiatives in Lithuania are framed as a means for promoting equality and fair access, recognition of differences and proportional representation of women, democratic innovations and international norms. Compatibility of gender quota initiatives with the political climate in Lithuania is not a sufficient motive to adopt of these measures.
3. Objections to adopt gender quotas at the national level include institutional, normative, legal and cultural obstacles. Failure to adopt gender quotas are mainly determined by a lack of mobilization and solidarity of women PMs, scattered and fragmented women organisations, disagreements among social democrats as the only party where gender quotas are laid down in its Statute, etc. The main legal obstacles are related to their discriminating nature, unconstitutionality of bills and contradiction to the principles of a legal state. Normative and cultural factors are related to patriarchal and ideological attitudes of PMs, disclaimer of positive discrimination and approach to gender quotas as some revival of the Soviet heritage.
4. Despite the fact that all main means of including the issue of gender quota initiatives in the political agenda of Lithuania were used that did not lead to adopting gender quotas at the national level. The existing negative attitude of the political elite to gender quotas is seen as the main barrier to women empowerment. As political actors’ attitudes are the main factor that causes and mitigates representation inequalities the only way to make gender quotas work and increase the number of women in the multi-party system is establishment of gender quotas in all parliamentary parties. However, this initiative might require constitutional reforms.

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Ar lytis svarbi valdyme? Lyčių kvotos kaip geros politikos priemonė: jų praktika ir nesėkmės Lietuvoje

Santrauka

Straipsnyje analizuojamos lyčių kvotos, kaip *geros politikos* priemonės, lygiaverčiam moterų interesų atstovavimui, kritinės masės sprendimų priėmimo užtikrinimui, kurios plačiai taikomos daugelyje pasaulio valstybių, tačiau iki šiol neįsitvirtinusios Lietuvos politinėje arenoje ir teisinėje bazėje. Proporcinis abiejų lyčių atstovavimas visose viešosiose sferose, ypač politinių sprendimų priėmimo, vertinamas kaip demokratinė ir ekonominė būtinybė, esminė sąlyga formuoti lyčių lygybės principu grįstai ir abiem lytims palankiai politikai. Tuo tarpu statistiniai duomenys, atspindintys deskriptyvų moterų atstovavimą pagrindinės valdžios institucijose, patvirtina apie vis dar egzistuojanti atotrūkį tarp *de jure* ir *de facto* lyčių lygybės netgi demokratinėse valstybėse. Šiame kontekste lyčių kvotų, kaip specialiosios laikinosios priemonės ir kartu kaip lyčių lygybės politikos socialinės praktikos, analizė tampa itin aktuali.

Straipsnio tikslas – atlikti lyčių kvotų, kaip gero valdymo priemonės, analizę, atskleidžiant lyčių kvotų įteisinimo iniciatyvų praktikas ir nesėkmes Lietuvoje. Straipsnis prisideda prie mokslinės diskusijos, plėtojamos tarp lyčių kvotų šalininkų ir oponentų, ir pristato istorinę lyčių kvotų įteisinimo iniciatyvų postsovietinėje Lietuvoje analizę, nagrinėjant lyčių kvotų sąsajas su gero valdymo konceptu, lyčių kvotų patekimo į politinę areną ir darbotvarkę būdus bei atskleidžiant veiksnius, lemiančius bandymų įteisinti šias laikinasias specialiąsias priemones Lietuvoje nesėkmes.

Tyrimui atlikti tarpusavyje buvo derinami tokie **metodai** kaip mokslinės literatūros analizė, politinių ir teisinių dokumentų, Seimo stenogramų, straipsnių populiarioje interneto žiniasklaidoje kokybinė turinio analizė, statistinių duomenų lyginamoji analizė. Įstatymų pakeitimo projektu, aiškinamųjų raštų, įvairių Seimo komitetų išvadų, Seimo narių ir kitų politinių bei pilietinės visuomenės veikėjų viešųjų pareiškimų ir pasisakymų, išreikštų Seimo posėdžiuose, spaudos konferencijose, žiniasklaidoje bei oficialiose politinių partijų ir organizacijų interneto svetainėse analizė, atsižvelgiant į istorinį, politinį ir teisinį diskursus, leido nustatyti pagrindinius veiksnius, lemiančius lyčių kvotų nesėkmes Lietuvoje. Parlamento narių nuomonės lyčių kvotų atžvilgiu kartu leido atskleisti jų požiūrį į moterų atstovavimo politinėje arenoje ir verslo sektoriuje problematiką.

Lyčių kvotų įtvirtinimas įstatymais, kaip greitojo kelio politikos priemonė, reikalauja ne tik institucinių taisyklių, bet ir sprendimus priimančių veikėjų vertybinių nuostatų kaitos. Vadovaujantis „moters įneša skirtumus“ ir „kritinės masės“ perspektyvomis, viena esminių sąlygų, skatinančių „gerus“ politinius sprendimus, atliepančius ne tik vyrų, bet ir moterų interesus, yra pakankamas (apie 30 proc.) moterų skaičius valdžios institucijose, įmonių ir įstaigų valdybose, komitetuose ir kitose sprendimus priimančiose organizacijose. Todėl, siekiant užtikrinti

subalansuotą moterų ir vyrų interesų atstovavimą ir sukurti sąlygas lyčių aspekto integravimui į priimamus sprendimus, daugelyje pasaulio valstybių plačiai taikomos įvairių tipų lyčių kvotos. Mokslinės literatūros analizė parodė, kad lyčių kvotų įtvirtinimas įstatymas gali būti pasiektas dėka stiprios moterų mobilizacijos, savanoriško šių priemonių taikymo partijose strateginiais tikslais, kvotų politikos suderinamumo su partijos arba šalies normatyvinėmis struktūromis, bei tarptautinių organizacijų paramos ar net spaudimo.

Lyčių kvotų įteisinimo ir praktinio taikymo iniciatyvų Lietuvoje analizė buvo orientuota į taikytų teisinių ir ideologinių argumentų ir pagrindinių veikėjų pozicijų nagrinėjimą bei nesėkmes lėmusių veiksnių identifikavimą. Straipsnyje apžvelgiami įvairūs įstatymų pakeitimo projektai, skirti įteisinti lyčių kvotų taikymą sudarant kandidatų sąrašus rinkimuose į savivaldybių tarybas (2002 m., 2005 m.), Europos parlamentą ir Seimą (2005 m.) bei taikyti lyčių kvotas sudarant valstybės ir savivaldybių valdomų įmonių ir įstaigų valdybas (2011 m.). Atlikta lyčių kvotų įteisinimo svarstymo proceso dokumentų ir vienuolikos straipsnių interneto žiniasklaidoje bei oficialiose partijų ir organizacijų internetinėse svetainėse analizė parodė, kad iš esmės visos iniciatyvos buvo grindžiamos lyčių lygybės ir teisingų galimybių, proporcinio atstovavimo ir lyčių skirtumų idėjomis, demokratijos principais ir tarptautinėmis normomis. Nepaisant to, kad bandymai įtvirtinti lyčių kvotas įstatymais buvo inicijuojami esant palankiam šalies politiniam klimatui (artėjant Lietuvos stojimui į ES, iš karto po tapimo ES nare, prieš pirmuosius rinkimus į ES parlamentą ir t. t.) ir buvo grindžiami nuorodomis į tarptautinius politinius dokumentus (pvz., Europos Tarybos Parlamentinės Asamblėjos 2011 m. kovo 17 d. rezoliucija „Didesnis moterų dalyvavimas ekonomikos ir socialinių reikalų srities sprendimų priėmimo struktūrose“, Lisabonos sutartis ir kt.), minėti argumentai negebėjo įveikti institucinių, kultūrinių ir partijų normatyvinių veiksnių, susijusių su moterų Seime solidarumo stoka, patriarchalinėmis ir ideologinėmis Seimo narių vertybėmis, pozityvios diskriminacijos nepripažinimu ir pasipriešinimu lyčių kvotoms kaip sovietinio palikimo atgarsiams. Teisinės lyčių kvotų įtvirtinimo įstatymais kliūtys siejamos su šių priemonių neva „diskriminuojančia prigimtimi“, pažeidžiančia politinių partijų veiklos laisvės ir savarankiškumo garantijas, bei prieštaravimu konstituciniam teisinės valstybės principui. Ne mažiau svarbų vaidmenį bandymų laikinai įteisinti lyčių kvotas nesėkmėse vaidina pernelyg didelė moterų organizacijų fragmentacija ir mobilizacijos stoka, aiškiai koordinuotos strategijos, grįstos moterų NVO, femokračių ir Seimo narių bendradarbiavimu, nebuvimas.

Pagrindiniai žodžiai: lyčių kvotos, moterų politinis atstovavimas, lyčių aspektui jautri politika.

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