Opening the Door: 
Women leaders and constitution building in Iraq and Afghanistan (*)

Pippa Norris

McGuire Lecturer in Comparative Politics,
John F. Kennedy School of Government
Harvard University
Cambridge MA 02138
Pippa.Norris@Harvard.edu
www.pippanorris.com

Synopsis: The rapid diffusion of fast-track strategies for gender equality in elected office that has occurred since the early-1990s raises a series of questions. What fast-track strategies are available? Where and why have these policies been adopted and, in some cases, abandoned? And what can we learn about the conditions which lead these strategies to ratchet up the number of women in elected office? This study examines these issues and discusses their implications. Part I provides a global overview of developments and trends. Part II focuses upon comparing the detailed case studies of Iraq (illustrating the implementation of statutory gender quotas) and Afghanistan (using reserved seats). Part III considers the underlying conditions leading towards the effectiveness of these arrangements. Part IV summarizes the conclusions.
Recent decades have witnessed growing demands for the inclusion and empowerment of women leaders in elected office. Women representatives have made important strides in some nations but progress worldwide has proved sluggish. A global comparison shows that on average women are one sixth of all members of the lower house of parliamentarian today (16.6%), rising by less than 5 percentage points during the last two decades. The question arising from this situation is whether fast-track strategies are effective in accelerating the linear pace of change? These strategies include the use of reserved seats where offices are mandated for women members of parliament, statutory gender quotas regulating the proportion of women candidates nominated by all parties, and voluntary gender quotas adopted in internal rule-books governing nomination processes within specific parties. These reforms have been adopted and implemented for local and national office in many places during recent decades, but their effects are by no means straightforward. In some cases, formal rule changes appear to generate a rapid and immediate stepped shift in the number of women in office, whereas elsewhere similar policies seem to produce minimal difference to the outcome. Moreover even where more women attain legislative office through fast track strategies, achieving greater descriptive representation in parliaments, this should not necessarily be equated automatically with their substantive empowerment in decision-making processes.

The rapid diffusion of fast-track strategies since the early-1990s raises a series of questions. What have been the overall trends in the proportion of women leaders in parliaments and governments? What types of fast-track strategies are available? Where and why have these policies been adopted and, in some cases, abandoned? And what can we learn about the conditions which lead these strategies to ratchet up the number of women in elected office? This paper adopts a mixed method approach to examine these issues and discuss their implications. Part I provides a global overview of developments and then Part II focuses upon comparing the detailed case studies of Iraq (illustrating the implementation of statutory gender quotas) and Afghanistan (using reserved seats). These qualitative cases exemplify the process of adopting two alternative fast-track strategies in recent post-conflict constitutional settlements. Part III considers the underlying conditions leading towards the effectiveness of these arrangements. Part IV summarizes the conclusions. The broader lessons of the comparison are that mechanisms aiming to bring women into elected office have now spread throughout the world but not all policies are equally effective, by any means. The choice of mechanism is conditioned by the broader context, including the prior level of democracy, the degree of constitutional rigidity, the type of electoral system, global and regional patterns of diffusion, the existence of positive action policies for minority communities, and levels of party institutionalization. No single policy is optimal in all contexts and considerable care is needed to craft and implement the measures which will work best to promote the involvement of women in decision-making processes in each country. Overall the study concludes that new constitutions in post-conflict peace settlements represent a critical window of opportunity to secure the voices of women leaders in the reconstruction of society.

**I: What have been the trends in women as leaders in parliaments and governments?**

Recent decades have seen widespread recognition that most parliaments and governments worldwide fail to reflect the proportion of women in the electorate. This
pattern persists, even in many established democracies and affluent nations with egalitarian cultures where women have had full citizenship rights for almost a century. Hence women are only 15.2% of the US House of Representatives, 12.2% of the French Chamber of Deputies, and 9.0% of the Japanese House of Councillors, despite the transformation of women and men’s roles in the home, family, school, and work-force which have occurred in these societies during the twentieth century. And today no women sit in the national parliament in Kyrgyzstan, Saudi Arabia, or Bahrain. Many governments have now pledged themselves to establish gender equality in the public sphere, with the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified by 181 states. A decade ago, the UN Beijing Platform for Action expressed commitment to the empowerment of women based on the conviction that: “Women’s empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace.” The 1995 UN Platform for Action aimed to establish a 50-50 gender balance in all areas of society, placing full participation in decision-making in the foremost role. The persistent under-representation of women is a matter of concern because this may have important consequences for the public policy agenda and for the articulation of women’s concerns, as well as for the democratic legitimacy of elected bodies and for public confidence in parliaments.

The last two decades have registered some notable gains for some women leaders at the highest levels of state (see Table 1). In 1965, Sri Lanka was the only state in the world with a female head of government (Sirimavo Bandaranaike). By 1985, women headed half a dozen states. Today, that number has doubled. Women presidents and prime ministers hold the reins of power in countries as diverse as New Zealand (Premier Helen Clark), Latvia (President Vaira Vike-Freiberga), Finland (President Tarja Halonen), Ireland (President Mary McAleese), Bangladesh (Premier Begum Khaleda Zia), the Philippines (President Gloria Macapagal-Arroyo), São Tomé e Príncipe (Maria do Carmo Silveira) and Mozambique (Premier Luisa Dias Diogo). Within the last year, another five female leaders have joined their ranks on the world stage. In Germany, after a very close contest, in November 2005 Angela Merkel became the first woman Chancellor, heading a coalition of the Christian Democrats and Social Democrats. In January 2006, Michele Bachelet became president in Chile, the first woman elected to this position in Latin America without first becoming known through her husband’s prominence. In war-torn Liberia, Ellen Johnson-Sirleaf became president in February 2006, Africa’s first elected woman head of state. In the Caribbean, Jamaica has their first woman prime minister in Mrs Portia Simpson Miller, leader of the governing People’s National Party. In short, significant breakthroughs have occurred in many places although, despite these important gains which achieve headline coverage, only a dozen states worldwide (6.2%) are currently headed by a women president or premier.
proportion of women elected to national parliaments? The Inter-Parliamentary Union estimates that in January 2006, in total 7,160 women sit in the lower houses of parliament worldwide, representing 16.3% of all members. This figure has risen little by little during recent years, up from 12.0% in 1985 to 16.6% in 2006, but progress has been at a glacial pace and it has been far from continuous and linear (see Figure 1). If the increase in the proportion of women in elected office is maintained at the level evident since 1985 (0.20% per annum), without any policy intervention, a simple linear projection estimates that it would take more than a century and a half for women parliamentarians to achieve parity with men. We are still far from the 50:50 pledge made by the UN Beijing Platform more than a decade ago. In practice, multiple barriers – structural, cultural and institutional - continue to restrict the rapid advancement of women in elected office. While women are less than one in ten members of national parliaments in some sixty nations worldwide, elsewhere women have progressed much faster, as illustrated by Figure 2. Striking contrasts among neighboring states are evident in regions such as Central and South America, Central and Eastern Europe, Africa, and Asia, as well as within regions, such as between Nordic and Mediterranean Europe. Yet although the overall growth in the proportion of women in parliament worldwide remains modest during the last two decades, including the dip registered in the 1990s, there is some evidence that trends may be accelerating more recently. In general elections held during 2005, women were one fifth of all members (20.5%) elected to the lower house of parliament.  

One question arising is how far any acceleration in the linear trend can be attributed to a range of gender equality policies which have been implemented in various countries, as illustrated in Figure 3, or whether this is due to other political developments such as the spread of democracy more generally, or to structural or cultural changes shaping men and women’s lives. One policy which may be behind the rise involves reform of the basic electoral system; based on multiple studies it is now widely recognized that, compared with majoritarian systems, proportional representation electoral systems facilitate the election of more women. On average, roughly twice as many women sit in parliaments elected via PR versus majoritarian systems. Wholesale reform of the electoral system remains a relatively infrequent occurrence, especially in established democracies where institutions maintain a dynamic equilibrium among established political actors. Still major reform has occurred in some places; since the early-1990s, for example, Rwanda and South Africa switched from First-past-the-post to List PR, New Zealand and Italy adopted mixed (combined) systems, while Macedonia and Croatia moved from combined-independent systems to List PR. And incremental amendments to electoral rules have happened far more frequently, including changes in the mean district magnitude, assembly size, and effective vote threshold. Moreover where implemented, reforms have generally led electoral systems in a more proportional direction. Equal opportunity policies in the nomination process have also been widely implemented, exemplified by the provision of financial assistance or media training for women and men candidates for elected office. Initiatives designed to make legislative bodies more women friendly, such as changing the hours of parliamentary sitting, have also been introduced. But, by themselves, equal opportunities policies are generally recognized as relatively slow in their impact. Lastly there are fast-track strategies - the focus of this paper- which have become increasingly popular in Western Europe, Africa and Latin
America since the early-1990s, although their use has also simultaneously been abandoned in many post-communist states. How far are the national contrasts in the proportion of women in parliament evident today due to fast-track policy interventions, rather than attributable to differences in the cultural or structural barriers facing women in elected office?

II: What types of fast-track strategies are available?

Recognizing the incremental pace of change occurring worldwide, during the past decade, many parties and national legislatures have adopted fast-track strategies designed to ratchet-up the number of women in elected office.\textsuperscript{15} Fast track strategies fall into three main categories:

- **Reserved seats** are allocated to women legislators either by appointment or election, established by constitutional provision or electoral law;

- **Statutory gender quotas** regulate the specific proportion of women and men nominated as parliamentary candidates by all parties seeking election; and lastly,

- **Voluntary gender quotas** have been adopted by specific parties, as specified in the internal regulations, party constitutions, and party rule-books governing candidate recruitment processes, which controls the pool of those eligible to contest the nomination as well as those selected as parliamentary candidates.

Often these alternative policies are discussed indiscriminately as ‘quotas’ but this practice obscures the way that the rules differ substantially in their design and implementation. Reserved seats established in the constitution or by electoral law provide the strongest external constraints on the choice of members of parliament made by parties and the electorate, especially where members are indirectly elected or appointed to office. Statutory gender quotas, usually monitored by electoral commissions, limit the choice of legislative candidates nominated by all parties contesting an election. Voluntary gender quotas within particular parties provide the weakest external regulation of the candidate nomination process. These categories may also interact, for example the introduction of legal regulations governing the candidate nomination process can be expected to encourage specific parties to amend their internal rule-books and selection procedures. The use of these policies has been monitored in a comprehensive and systematic global database assembled by International IDEA and Stockholm University.\textsuperscript{16} The database documents that reserved seats for women in national parliaments are now used in more than a dozen countries. Statutory gender quotas for the lower house of national assemblies exist in at least two-dozen nations. And voluntary gender quotas governing nomination procedures have spread to parties in more than seventy nations throughout the world. The diffusion of these mechanisms since the early 1990s has been remarkably swift and extensive, but their impact has been varied. What explains the choice of one or other of these mechanisms by different states, what are the pros and cons of each of these fast-track strategies, and how do they work? We can compare their global use and focus upon the specific cases of Iraq and Afghanistan to consider these issues in the context of post-conflict constitutional settlements.

**Reserved seats**

By constitutional decree or electoral law, some countries have stipulated a number of reserved seats that are only open to women or to members of certain specified under-
represented ethnic minority groups. This policy has been adopted most commonly to strengthen women’s representation in developing nations using single-member district majoritarian electoral systems, particularly in African and South Asian nations (see Table 1).\textsuperscript{17} Reserved seats have been used for the lower house of the national legislature in Morocco (elected from a national list of 30 women members out of 325 representatives), Bangladesh (30/300), Pakistan (60/357), Botswana (2 women appointed by the president out of 44 members), Taiwan (elected), Lesotho (3 women appointed out of 80 seats), and Tanzania (37 women out of 274 members, distributed to parties according to their share of seats in the House of Representatives).\textsuperscript{18} Similar policies have been used at sub-national level with considerable success, including 30% of seats reserved for women in local village councils in India, Bangladesh, and Pakistan.\textsuperscript{19}

The idea of reserved seats for women follows similar practices designed to elect representatives drawn from regional, linguistic, ethnic, or religious minority communities. Their effects depend upon the size and geographic concentration of such groups.\textsuperscript{20} Reserved seats for ethnic minorities have been used in about two-dozen countries, for example, in New Zealand, Pakistan, and Fiji, where these seats are filled by appointees of the recognized group or elected by voters from a communal roll.\textsuperscript{21} There is nothing particularly novel about these arrangements; after the Second World War separate communal rolls with reserved seats became integral parts of power sharing solutions to end internal conflicts in Lebanon in 1943, Cyprus in 1960, and Zimbabwe in 1980. During the last decade, these strategies were reflected in the compartmentalized ethnic arrangements of peace pact in Bosnia, Croatia, and Kosovo. In Croatia, for example, which uses List PR for most seats, specific districts are reserved for members of Hungarian, Czech and Slovak, Ruthenian and Ukrainian, and German and Austrian minorities. In Singapore, the Group Representative Constituencies provide a voice for Indian, Malay, and Eurasian minority candidates. Mauritius allocates eight seats for Hindu, Muslim, Chinese and Creole recognized communities. India reserves a certain number of seats in each state for Scheduled Castes and Tribes, where only candidates drawn from these communities can stand for election. In Uganda, 53 parliamentary seats out of 292 are reserved for women (18%), via indirect election, along with seats set aside for representatives drawn from the groups such as the army, youth, the disabled, and trade unions. The stated aim is to ensure an inclusive Movement party despite a legal ban on opposition movements standing for parliamentary election.\textsuperscript{22} Most countries using reserved seats for women or minority communities have majoritarian electoral systems, but countries with PR and combined electoral systems can also include this mechanism.

[Table 1 about here]

\textit{Afghanistan}

The adoption of reserved seats for women in post-conflict constitutional settlements, and their impact in traditional cultures, is exemplified by the case of Afghanistan.\textsuperscript{23} Afghanistan had not had a functioning parliament since 1973 and even during the decade of the New Democracy (1963-1973) the king usually ruled by decree. The breakdown of Taliban rule, international pressures for democratization and human rights, and the development of the new constitution, presented a critical opportunity to develop new political institutions and to incorporate women into the public arena. The new
The constitution was crafted by the Constitutional Drafting Commission and the Constitutional Review Commission, before finally being debated in December 2003 by the emergency Loya Jirga (Grand Assembly). Women had a voice in each of these bodies, representing 12% of the delegates in the Loya Jirga, while two women sat on the nine-member Drafting Commission. The international community led by the United Nations, the US State Department and the Afghanistan Reconstruction Project were also engaged in providing expert advice and information about constitutional design options, including possible measures for the inclusion of women.\footnote{This was part of a larger debate about the desirability of adopting either a presidential or parliamentary democracy, federal and local arrangements, the type of electoral system, and the role of Islamic law in the new constitution. Women’s groups in Afghanistan also mobilized, including those who had been exiled, calling for 25% female representation in the new assembly and a woman’s Bill of Rights.\footnote{The new Afghan constitution, agreed in January 2004, established that women would be included in both houses of the national assembly. Article Eighty-three Ch. 5, Art. 3 specified that for the Wolesi Jirga (lower house):

\begin{quote}
Members of the Wolesi Jirga are elected by the people through free, general, secret, and direct elections.

Their mandate ends on the 1st of Saratan of the fifth year after the elections, and the new assembly starts its work.

The number of members of the Wolesi Jirga, proportionate to the population of each region, shall be not more than two hundred and fifty.

Electoral constituency and other related issues shall be determined by election laws.

In the election law, measures should be adopted for so the election system shall provide general and just representation for all the people of the country, and at least two female delegates should be elected from each province.
\end{quote}

The constitution therefore specified the total number of seats and that at least two women should be directly elected to the Wolesi Jirga from each of the 34 existing provinces. In practice this meant that 68 women would be included in the lower house, or 27.3% or the total. But the constitution did not specify either the type of electoral system or how to guarantee the inclusion of women. For the Meshrano Jirga (upper house), under the constitution the President was empowered to appoint one third of the members, of whom half must be women. At least one quarter of the seats on provincial councils were also reserved for women.}

The May 2005 Electoral Law and the Electoral Commission determined how these requirements would be implemented. Afghanistan chose the Single Non-Transferable Voting electoral system for the Wolesi Jirga, with multimember constituencies and simple plurality voting.\footnote{In this system, used previously in Japan (until 1993), Vanuatu, Jordan, and (partially) for Taiwan, electors cast a single vote for one candidate in a multimember district. The candidates with the highest vote totals are declared elected. This system was adopted as it is technically simple to administer and count, and it works even in the absence of organized parties and any other political groupings. Multimember districts based on existing provincial boundaries are also advantageous, given the practical limitations of insufficient population data (and time) to draw single-member constituency boundaries. The system}
allows any independent candidate to be self-nominated, without requiring prior party endorsement. The system also encourages local elected members to serve their provincial constituency, since individual candidates compete for popular support within as well as among parties. The disadvantages of this system, however, are that candidate-centered voting encourages weak party organizations, with potential problems for coordination within the new legislature. It is one of the most disproportional electoral systems since candidates can be elected with an extremely modest plurality of the vote, and even a small shift in votes may tip the outcome in an unpredictable direction. SNTV also encourages strategic party nominations (in deciding how many candidates to nominate in each district) and strategic voting. Electors faced long lists of candidates – for example, 390 candidates listed on seven pages on the ballot in Kabul - without any familiar party cues to simplify their choices. This system may have reinforced voting for local leaders along ethnic lines with minimal incentive for cooperation in the parliament.

In terms of the constitutional requirement for the inclusion of women, the choice of the SNTV electoral system constrained the available options. The system ruled out the type of statutory gender quotas implemented by ranking a specified proportion of women candidates in party list PR. The use of voluntary party quotas would also fail to achieve the constitutional guarantee in Article 83. Moreover reserved seats for women and minority communities had also long been employed for majoritarian elections in neighboring Pakistan and Bangladesh, as well as for village elections in India, which may have influenced the Afghan decision-makers. As a result, the Commission specified reserved seats within each province, varying the number allocated in each area according to population size until the total reflected the constitutional provisions. Two women could not have been allocated in every province, as in the smaller provinces with only two seats this would have meant that only women could have been returned. The Electoral Commission implemented the constitutional requirements and designated the number of Wolesi Jirga seats per province according to population size, for example allocating 33 seats for Kabul, of which nine were reserved for women. The system meant that the candidates with the most votes in each province were elected until all general seats were filled, irrespective of their gender. If the specified minimum number of women were not returned under the general competition, then the women who achieved the most votes in each province were elected to the reserved women's seats. This system meant that women candidates were often elected even though they received dramatically fewer votes than men, which may raise questions about the fairness of the outcome.

The first legislative contests in September 2005 attracted 2,835 candidates for the Wolesi Jirga, of whom 344 were women (12.1%). The results saw the election of 68 women out of 249 members (27.3%). Afghanistan now ranks 24th in the Inter-Parliamentary Union’s global comparison of the proportion of women in parliament, well ahead of many established democracies and affluent states, such as France, Italy, and the United States. This situation is all the more remarkable given that it occurred in a context where Afghan women have long lacked many basic human rights, including access to education, health-care, and freedom of movement, and in a traditional culture where many of the women candidates who stood for office were subject to serious threats, harassment, and violent intimidation during the campaign.
Statutory gender quotas

An alternative strategy uses statutory gender quotas applied by law to all political parties, specifying that women must constitute a minimal proportional of parliamentary candidates within each party. Quotas represent an instrument that introduces specific formal selection criteria, in the form of minimal or maximal thresholds for a given group, into nomination procedures. They can be used for elected or appointed office in the public sphere or for personnel recruitment in the private sector, such as for trade union office. There is an important distinction drawn between statutory gender quotas introduced by law, and thereby applying to all parties within a country, and voluntary gender quotas implemented by internal regulations and rule books within each party. Quotas can be specified for women and men, or for other relevant selection criteria, such as ethnicity, language, social sector, or religion. Statutory gender quota laws have been applied to elections in Belgium, France, and Italy, to many nations in Latin America (see Table 2). Quotas have also been used for appointments to public bodies and consultative committees in countries such as Finland and Norway.

[Table 2 about here]

Iraq

Their use can be exemplified by Iraq, which considered a range of constitutional and legal options designed to include the representation of women in elected office. Historically the country proved one of the more egalitarian towards women compared with many Arab states, for example achieving relatively high levels of female education, literacy, and female participation in the workforce during the 1960s and 1970s, as part of the economic development program of the secular Baathist regime. The 1970 Iraqi Constitution formally guaranteed equal rights to women and in 1986 Iraq became one of the first countries to ratify CEDAW. Employment and labor laws were passed to give maternity benefits, equal pay, and freedom from harassment in the workplace. In practice these laws were often not enforced but nevertheless the legal climate was considerably more liberal than many others in the region. In 1980 Iraqi women got the right to vote and in the first parliamentary elections that year women won 16 out of 250 seats (6.4%) on the National Council, with this proportion doubling to 13.2% in 1985, before falling to 10.8% in 1990 and 8% in 2003, immediately before the war.

In the post-Saddam era, Iraq developed a new constitution and electoral laws through a multistage process. To summarize the time-line, following the fall of Saddam Hussein, in May 2003 the Coalition Provisional Authority (CPA), headed by Ambassador Paul Bremer, was established by the US-led coalition to administer Iraq. In July 2003, the CPA created the Iraqi Governing Council, with twenty-five appointed Iraqi representatives drawn from five ethnic groups, including three women (12%). The Transitional Administrative Law (TAL) was agreed on 8 March 2004 to serve as a provisional constitution. In June 2004, the US-led coalition handed over power to the interim government, thirty ministers (including six women and a newly created post of Minister of Women’s Affairs), with the cabinet headed by Prime Minister Iyad Allawi. The Iraqi Governing Council was in turn replaced in August 2004 by a larger 100-person appointed national assembly, a body which was subsequently replaced, following the 30 January 2005 elections, by the 275-member transitional National Assembly. The primary responsibility of
the Assembly was to decide the new Iraqi Constitution, which was proposed in August 2005 and finally approved by a public referendum in October 2005. On 15th December 2005 Iraq went to the polls to elect the 275-member permanent House of Representatives, with the results announced in late-January 2006.

The process of constitutional design drew on advice from many international experts, including agencies such as IFES, NED, and USAID, with the United Nations pressing for the representation of women and minority communities in any new constitution. The process stimulated considerable debate within Iraq. Prior to agreement about the TAL, in early spring 2004 a series of public meetings were held around the country to debate the proposed contents, including the role of women’s rights in the document. Iraqi women mobilized strongly through a series of meetings, conferences and workshops, with considerable debate around what level of quota should be adopted, and whether 20%, 30% or 40% of all elected positions should be allocated to women. For example, in January 2004, women in Hilla, Divsania, Karbala, and Najaf organized a major conference in Basra, attended by 400 delegates. The Iraqi Higher Women’s Council, a body containing a diverse cross-section of Iraqi women, presented Ambassador Bremer with a letter supporting a 40% quota for women in legislative bodies. The US-led coalition was divided about this issue; Tony Blair and the British representative in Baghdad, Jeremy Greenstock, favored introducing gender quotas for Iraqi elections. By contrast, Paul Bremer and CPA opposed these measures, preferring equal opportunity policies, although it was hard to argue against gender quotas for Iraq after reserved seats had already been adopted in Afghanistan. The Shiite religious parties were also strongly opposed to any quota, in part because they were concerned about whether they could nominate a sufficient number of women candidates, but secular Iraqis supported the idea. The TAL agreed in March 2004 did not enshrine the 40% quota that some had lobbied for but Article 30c did specify that the electoral law governing contests for the National Assembly “shall aim to achieve the goal of having women constitute no less than one quarter of the members”.

The TAL also ensured ‘fair representation’ of all communities in Iraq, including Turkoman and other minorities, although it did not specify the mechanism to achieve this aim.

To implement these policies, the Electoral Law (CPA 96) passed in June 2004 specified that a system of nation-wide closed-list PR would be used (with a Hare quota) for elections to the transitional National Assembly. Parties could present a list of at least twelve candidates in ranked order, with positions filled from the top of the list downwards according to their share of the vote. To guarantee the inclusion of women in the new body, the Electoral Law specified that any party seeking to contest the election had to include women candidates ranked (‘zippered’) as one among every third name included in the party list. “No fewer than one out of the first three candidates on the list must be (a) woman; no fewer than two out of the first six candidates on the list must be (a) woman; and so forth until the end of the list.” Individual candidates could also stand. There had been debate about the use of reserved seats for minorities, but it was felt that this policy could not be implemented, as there was insufficient time prior to the election to identify and classify minority electorates and candidates, especially given displaced populations. Criticisms about the legitimacy of reserved seats were also expressed. The use of smaller electoral districts was also considered but rejected, on the grounds that implementation would entail a considerable delay in the process, given the lack of credible population figures to allocate seats.
The direct elections to the transitional National Assembly on 30th January 2005 returned 86 women out of 273 members (31.5%), a remarkable proportion given the history of women’s representation in Arab states, exceeding the 25% target set in the Transitional Administrative Law. Moreover the women who were elected were drawn from all communities, some favoring a secular government and legislation dealing with women’s rights, others preferring an Islamic state and Sharia law. A similar quota system was used for elections to the Kurdistan National Assembly and for the Governorate Councils.

The contents of the final Iraqi constitution were debated in the new National Assembly and Article 47 in the final document continued to specify a 25% quota for women in the lower house: “The elections law aims to achieve a percentage of women representation not less than one-quarter of the Council of Representatives members.” To implement this, the second Electoral Law, adopted in September 2005, specified that parties seeking election needed to implement the same process followed earlier whereby at least one woman candidate was included in the first three names on party lists, at least two were in the first six names, and so on. The second Electoral Law also continued to use the party list PR electoral system, but with regional (not a nation-wide) districts. In total, 230 seats were allocated proportionally, divided among 18 governorates (provinces) based on the size of the registered electorate in each. In addition, 45 ‘compensatory seats’ were allocated for parties and groupings which achieved a minimum threshold of votes nationwide, to reinforce the strength of larger parties.

The results, following the general elections held on 15th December 2006 for permanent members of the National Council of Representatives, are that women are now more than one quarter (25.5%) of the legislature, distributed across all major parties and communities. This is less than the 31.5% elected to the transitional National Assembly, for reasons which are unclear but which is probably due, at least in part, to the use of regional electoral districts rather than a nation-wide contest. This situation is a striking outcome given that women are usually marginalized in legislative office within Arab states; indeed in Saudi Arabia and the United Arab Emirates women continue to be denied the right to vote and to stand for election, and societies in the Middle East also display some of the most traditional cultural attitudes towards the roles of women and men. As a result of the election, Iraq now ranks 26th worldwide in the proportion of women in the new parliament, comparable to Switzerland, Australia and Mexico, and well above the UK and US.

Voluntary Gender Quotas

An alternative policy concerns the use of voluntary gender quotas within specific parties. In this regard, while party activists and leaders can take the initiative, this is not a matter which is implemented through electoral law. Rules, constitutions, and internal regulations determined within each party are distinct from electoral statutes enforceable by the courts. Voluntary gender quotas have been widely used by multiple parties in Scandinavia, Western Europe, and Latin America. At the same time, Communist parties employed them in the past in Central and Eastern Europe but these policies were abandoned as redolent of the Soviet era in the transition to democracy during the early 1990s.
International IDEA’s *Global Database of Quotas for Women* (2005) estimates that 181 parties in 72 countries currently use gender quotas when selecting electoral candidates for national parliaments. As shown by Figure 4, their adoption has been worldwide and these have most commonly been adopted by European parties of the left, including Social Democratic, Labour, Communist, Socialist and Greens parties, before the practice eventually spread to other parties. The use of statutory quotas is also likely to encourage parties to revise their rulebooks to bring their nomination procedures into line with the law. The association between use of these measures and the proportion of women in elected office can be compared within the European Union. By 2000, among 76 relevant European parties (with at least ten members in the lower house), almost half (35 parties) used gender quotas, and two dozen of these have achieved levels of female representation in the lower house of parliament of over 24%. Among the European parties using gender quotas, on average one third (33%) of their elected representatives were women. By contrast, in the European parties without gender quotas, only 18% of their members of parliament were women. It is misleading to assume any simple ‘cause’ and ‘effect’ at work here, however, since parties with an egalitarian culture which are more sympathetic towards women in public office may also be more likely to implement gender quotas. Moreover the ‘before’ and ‘after’ test suggests that the effects of voluntary gender quotas within parties vary substantially, exemplified by the outcome in Scandinavia, Germany, and Britain. In general there are fewer guarantees that voluntary fast-track strategies will work, compared with the legal policies of statutory quotas or reserved seats. At the same time, letting parties decide whether to implement gender quotas has the advantage that it gives them greater control over these matters and it preserves their autonomy as voluntary associations in civil society. Parties can also act in these matters even if it is difficult to get legislative or constitutional measures adopted in each country.

### III: Assessing the impact of fast-track strategies

*Reserved seats*

What has been the impact of these initiatives? The use of reserved seats guarantees a minimum number of women in elected office, and Table 2 illustrates how the proportion of women elected in the latest election in the countries using these strategies exceeded the proportion of seats reserved for women. In this regard, the policy works, setting a minimal floor. Yet the full impact of the adoption of these mechanisms is difficult to assess, given their relatively recent adoption in many countries, and the policy remains controversial for a number of reasons. Some have argued that this mechanism may be a way to appease, and ultimately sideline, women.\(^48\) Where appointed to office, if lacking an independent electoral or organizational base, women may be marginalized from exercising any independent power and responsibility, and patronage can reinforce control of parliament by the ruling party. This is particularly true in regimes which have limited institutional checks and balances, and weak legislatures, with power concentrated in the hands of the executive. The purpose of reserved seats also depends upon the level at which it is set, and if too low, this may result in ‘token’ representation, creating a ceiling rather than a floor.\(^49\) Reserved seats also need organizations to develop effective training programs for women leaders who are considering running for office, so that they develop the skills, knowledge, and confidence to fulfill their roles. Nevertheless against these arguments, where women gain reserved seats through a process of free and fair contested elections, they have the opportunity to develop an
independent political base and experience of political leadership. One advantage of reserved seats is that, if implemented in electoral law, it guarantees a minimum number of women in elected office, without the uncertainty which arises from the implementation of statutory and voluntary gender quotas. Moreover reserved seats have been adopted in many countries which share a common Muslim cultural heritage and where traditional attitudes prevail towards the roles of women and men. This strategy may therefore boost the number of women in leadership positions, a process which may also change attitudes towards sex roles more generally.

Statutory gender quotas

What of statutory gender quotas? Table 3 monitors the proportion of women returned in (i) the election held immediately before passage of the law, (ii) the election held immediately after passage, and (iii) the summary short-term change. By this criterion, the pattern shows that in some countries, and in some elections, the introduction of statutory gender quotas appears to have worked far more effectively than in other cases. Hence the substantial short-term rise in the number of women in parliament found in Argentina, and the modest short-term growth in Peru and Belgium, but minimal progress evident in France, Mexico, or Brazil. The comparison of women in the latest election to date also shows that many countries are falling far short of the specified legal quota. Why is this? The next step in the research agenda is to establish the relative importance of multiple institutional conditions which operate in different contexts, as case studies suggest that the effective implementation of statutory gender quotas could plausibly vary according to:

- The specific type of electoral system;
- The mean district magnitude;
- The implementation of the statutory mechanisms;
- The level of the gender quota specified by law;
- Whether the rules for party lists regulate the rank order of women and men candidates;
- Whether party lists are open or closed;
- The strength of women’s organizations within parties;
- Good faith compliance by parties; and also
- The penalties associated with any failure to comply with the law.

Legal regulations are designed to alter the balance of incentives for the party gatekeepers who nominate candidates. Where these laws are implemented, selectors need to weigh the potential penalties and benefits of compliance. Selectors may still prefer the default option of nominating a traditional male candidate under certain circumstances, for example if the laws are designed as symbolic window-dressing more than as de facto regulations; if the regulation specifies that a certain proportion of women have to be selected for party lists but they fail to specify their rank order so that female candidates cluster in unwinnable positions at the bottom of the list; or if any sanctions for non-compliance are weak or non-existent. Lagged effects may also occur, as parties adapt gradually to the new regulatory environment and as incumbents retire. As in many attempts to alter incentive structures, the devil lies in the practical details, and superficially similar policies may have diverse consequences in different contexts.
Voluntary gender quotas

Similar observations can be made about the use of voluntary gender quotas implemented within specific parties. Building upon the growing case-study literature, and preliminary studies developing systematic cross-national analysis, the next step in the research agenda is to establish the relative weight which should be given to a number of conditions which could generate variations in the effectiveness of these measures among different parties. These differences could plausibly be explained by:

- The specific type of electoral system;
- The degree of party institutionalization in its nomination procedures;
- The implementation of formal party rules;
- The penalties associated with any failure to comply with the rules;
- The level of the gender quota specified by party rules;
- The strength of women’s organizations within parties;
- Whether the rules for party lists regulate the rank order of women and men candidates; and
- Good faith compliance and the informal cultural norms operating within parties.

Case studies suggest that gender quotas can effectively constraining the choices of the selectorate in mass-branch party bureaucratic organizations, where rules are strictly implemented in nomination processes. This process can be illustrated most dramatically by the adoption of all-women shortlists within the British Labour party in the run up to the 1997 British general election. This process, coupled with the Blair landslide, led to the proportion of women MPs at Westminster doubling overnight. Against that, cases suggest that gender quotas can be regarded as ideal targets rather than binding resolutions in highly personalist parties, where nomination processes are primarily determined by the party leadership on a patronage basis.

IV: Conclusions: Do fast-track strategies work?

The study concludes that the alternative fast-track strategies should not be treated as functionally equivalent as they differ substantially in their workings and impact. Of the three main types which have been implemented, reserved seats involve the most radical intervention into the electoral process, constraining the autonomy of parties to nominate candidates and the electorate to choose from amongst those nominated. These measures can effectively increase the number of women in office, as exemplified by the case of the 2005 elections in Afghanistan, although the independence of the women holding these seats can be curtailed if they are appointed to office by a process of patronage. Reserved seats have most commonly been adopted in transitional democracies characterized by single-member district majoritarian electoral systems and weak party organizations, and in many societies with deeply-traditional cultural attitudes towards gender equality. By contrast, statutory gender quotas have most commonly been used in consolidating democracies, especially those already undergoing processes of constitutional change. The short-term impact of statutory quotas in subsequent elections depends upon many specific factors, as illustrated by the contrasting results found after their implementation in France, Iraq, and Argentina. The way they are designed is critical to their effect. Lastly, voluntary gender quotas adopted by each party to govern their own nomination procedures are the most popular and flexible strategy and
these are now widely used throughout the world. In bureaucratic extra-parliamentary party organizations where internal rules matter, and where women’s internal party organizations are mobilized around these measures, these can prove very effective in getting more women into office. But under many conditions, writing voluntary gender quotas into party rule-books may prove more symbolic than substantive, for example in party cultures where traditional attitudes towards sex roles are pervasive, in legislatures where incumbents rarely lose, and in poorly-institutionalized parties where formal organizations remain weak and nomination processes are dominated by leadership patronage.

The broader lessons are that fast-track strategies have become increasingly popular during recent decades as a way to increase the number of women in office. Where effectively implemented, under certain conditions these policies can generate substantial short-term change in the proportion of women parliamentarians, reducing the barriers to legislative office. Understanding the reasons for the successful election of women in Iraq and Afghanistan may provide important policy lessons for other states which are considering how to include more women in elected and appointed office. Fast-track strategies have their limitations and they should not be seen as magical panaceas which will transform the political position and power of women overnight. But these policies can be remarkably effective in giving women a stronger public voice in parliament, with potentially important consequences for the articulation of the diversity of women’s concerns, for the role of women leaders in higher government office, as well as for strengthening the democratic legitimacy of elected bodies and for modifying cultural attitudes towards women leaders.
Figure 1: Trends in women's legislative representation 1985-2005, worldwide

Note: The proportion of women elected to the single or lower house of national parliaments in 191 contemporary nations worldwide. Data calculated from the Inter-Parliamentary Union database. The figures are from 31st January per annum.

Figure 2: The proportion of women in the lower house of parliament, January 2006

Figure 3

Gender equality strategies

Electoral system
Setting the rules of the game

- Majoritarian
- Mixed
- Proportional

Equal opportunity policies
For women and men

- Equality in legal citizenship rights
- Equality in education, jobs, & welfare
- Help with costs of election campaign
- Training for candidates & elected members

Fast track strategies
To increase women's participation until gender parity is achieved

- Voluntary quotas for legislative candidates in party rules
- Legal quotas for legislative candidates applying to all parties
- Reserved legislative seats for women
Figure 4: Countries where at least one party uses a voluntary gender quota

Table 1: Women prime ministers or elected presidents currently in office (*)

<table>
<thead>
<tr>
<th>Nation</th>
<th>Leader</th>
<th>Date from</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elected presidents (6)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>Mary McAleese</td>
<td>November 1997</td>
</tr>
<tr>
<td>Latvia</td>
<td>Vaira Vike-Freiberga</td>
<td>June 1999</td>
</tr>
<tr>
<td>Finland</td>
<td>Tarja Halonen</td>
<td>March 2000</td>
</tr>
<tr>
<td>Philippines</td>
<td>Gloria Macapagal-Arroyo</td>
<td>January 2001</td>
</tr>
<tr>
<td>Liberia</td>
<td>Ellen Johnson-Sirleaf</td>
<td>January 2006</td>
</tr>
<tr>
<td>Chile</td>
<td>Michele Bachelet</td>
<td>January 2006</td>
</tr>
<tr>
<td><strong>Prime ministers (6)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Zealand</td>
<td>Helen Clark</td>
<td>December 1999</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>Begum Khaleda Zia</td>
<td>October 2001</td>
</tr>
<tr>
<td>Mozambique</td>
<td>Luisa Dias Diogo</td>
<td>February 2004</td>
</tr>
<tr>
<td>Sao Tome and Principe</td>
<td>Maria do Carmo Silveira</td>
<td>June 2005</td>
</tr>
<tr>
<td>Germany</td>
<td>Angela Merkel</td>
<td>November 2005</td>
</tr>
<tr>
<td>Jamaica</td>
<td>Portia Simpson Miller</td>
<td>March 2006</td>
</tr>
</tbody>
</table>

**Note:** (*) Currently as in March 2006.

**Source:** www.guide2womenleaders.com
Table 2: Examples of reserved seats for women used in the lower house of parliaments worldwide

<table>
<thead>
<tr>
<th>Election</th>
<th>Electoral system</th>
<th>Number of seats reserved for women</th>
<th>% Of seats reserved for women (i)</th>
<th>% Women elected in latest election (ii)</th>
<th>Difference between (i) and (ii)</th>
<th>Appointed or elected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rwanda</td>
<td>List PR</td>
<td>24/80</td>
<td>30.0</td>
<td>48.8</td>
<td>+18.8</td>
<td>Elected</td>
</tr>
<tr>
<td>Tanzania</td>
<td>FPTP</td>
<td>48/295</td>
<td>16.2</td>
<td>30.4</td>
<td>+14.2</td>
<td>Appointed</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>SNTV</td>
<td>64/249</td>
<td>25.0</td>
<td>27.3</td>
<td>+2.3</td>
<td>Elected</td>
</tr>
<tr>
<td>Uganda</td>
<td>FPTP</td>
<td>56/292</td>
<td>19.1</td>
<td>23.9</td>
<td>+4.8</td>
<td>Indirectly elected</td>
</tr>
<tr>
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<td>SNTV/List PR</td>
<td>Varies/334</td>
<td>Varies</td>
<td>22.2</td>
<td>-</td>
<td>Elected</td>
</tr>
<tr>
<td>Pakistan</td>
<td>FPTP/ListPR</td>
<td>60/357</td>
<td>16.8</td>
<td>21.3</td>
<td>+4.5</td>
<td>Elected</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>FPTP</td>
<td>37/274</td>
<td>13.5</td>
<td>16.0</td>
<td>+2.5</td>
<td>Appointed</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>FPTP</td>
<td>45/345</td>
<td>13.0</td>
<td>14.8</td>
<td>+1.8</td>
<td>Appointed</td>
</tr>
<tr>
<td>Sudan</td>
<td>FPTP</td>
<td>35/360</td>
<td>9.7</td>
<td>14.7</td>
<td>+5.0</td>
<td>Elected</td>
</tr>
<tr>
<td>Lesotho</td>
<td>FPTP/ListPR</td>
<td>3/80</td>
<td>3.8</td>
<td>11.7</td>
<td>+7.9</td>
<td>Appointed</td>
</tr>
<tr>
<td>Botswana</td>
<td>FPTP</td>
<td>2/44</td>
<td>4.5</td>
<td>11.1</td>
<td>+6.6</td>
<td>Appointed</td>
</tr>
<tr>
<td>Djibouti</td>
<td>PBV</td>
<td>7/65</td>
<td>10.7</td>
<td>10.8</td>
<td>+0.1</td>
<td>Elected</td>
</tr>
<tr>
<td>Morocco</td>
<td>ListPR</td>
<td>30/325</td>
<td>9.2</td>
<td>10.8</td>
<td>+1.6</td>
<td>Elected</td>
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<tr>
<td>Somalia</td>
<td>-</td>
<td>25/245</td>
<td>10.2</td>
<td></td>
<td></td>
<td>Appointed</td>
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<tr>
<td>Jordan</td>
<td>SNTV</td>
<td>6/110</td>
<td>5.5</td>
<td></td>
<td></td>
<td>Elected</td>
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</table>

Note: Reserved seats for women in the lower house of the national parliament are defined as those that by law can only be filled by women, either by appointment or election. (a) It should be noted that the parliament in Eritrea is currently suspended and also Egypt used reserved seats (8.3% for women) from 1979-84. Electoral systems are: List PR Party List Proportional Representation; FPT First-Past-the-Post; SNTV Single Non-Transferable Vote; PBV Party Block Vote.

<table>
<thead>
<tr>
<th>Country</th>
<th>Date of Law</th>
<th>Gender Quota %</th>
<th>Legislative Body</th>
<th>Electoral system</th>
<th>List open or closed</th>
<th>% Women MPs before law (i)</th>
<th>% Women MPs after law (ii)</th>
<th>Change (i)-(ii)</th>
<th>% Women elected in latest election</th>
<th>Date latest election</th>
</tr>
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<td>France</td>
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<td>50</td>
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<td>Majoritarian</td>
<td>-</td>
<td>11</td>
<td>12</td>
<td>+1</td>
<td>12.2</td>
<td>2002</td>
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<td>1997</td>
<td>40</td>
<td>Unicameral</td>
<td>Proportional</td>
<td>Closed</td>
<td>14</td>
<td>19</td>
<td>+5</td>
<td>35.1</td>
<td>2006</td>
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<td>Belgium</td>
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<td>33</td>
<td>Lower</td>
<td>Proportional</td>
<td>Open</td>
<td>18</td>
<td>23</td>
<td>+5</td>
<td>34.7</td>
<td>2003</td>
</tr>
<tr>
<td>Bosnia Herzegovina</td>
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<td>33</td>
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<td>Proportional</td>
<td>Open</td>
<td>-</td>
<td>14.3</td>
<td>-</td>
<td>16.7</td>
<td>2002</td>
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<td>Lower</td>
<td>Proportional</td>
<td>Closed</td>
<td>6</td>
<td>27</td>
<td>+21</td>
<td>35.0</td>
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<tr>
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<td>30</td>
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<td>11</td>
<td>18</td>
<td>+7</td>
<td>18.3</td>
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<td>1998</td>
<td>30</td>
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<td>Closed</td>
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<td>13</td>
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<td>17.4</td>
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<td>Combined</td>
<td>Closed</td>
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<td>10</td>
<td>+2</td>
<td>16.7</td>
<td>2004</td>
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<td>1998</td>
<td>30</td>
<td>Senate</td>
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<td>8</td>
<td>9</td>
<td>+2</td>
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<td>30</td>
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<td>Combined</td>
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<td>11</td>
<td>12</td>
<td>+1</td>
<td>16.9</td>
<td>2005</td>
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<td>1996</td>
<td>30</td>
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<td>Combined</td>
<td>Closed</td>
<td>15</td>
<td>16</td>
<td>+1</td>
<td>24.2</td>
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<td>1997</td>
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<td>Senate</td>
<td>Combined</td>
<td>Closed</td>
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<td>4</td>
<td>0</td>
<td>16.9</td>
<td>2005</td>
</tr>
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<td>1997</td>
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<td>Open</td>
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<td>6</td>
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<td>8.6</td>
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<td>16</td>
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<td>11.3</td>
<td>+2</td>
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<td>Combined</td>
<td>Closed</td>
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<td>-</td>
<td>19.2</td>
<td>2002</td>
</tr>
<tr>
<td>Serbia</td>
<td>2002</td>
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<td>Lower</td>
<td>Proportional</td>
<td>Open</td>
<td>7.5</td>
<td>7.9</td>
<td>-</td>
<td>7.9</td>
<td>2003</td>
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<td>Dominican Rep</td>
<td>1997</td>
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<td>Lower</td>
<td>Proportional</td>
<td>Closed</td>
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<td>16</td>
<td>+4</td>
<td>17.3</td>
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<td>20</td>
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<td>11</td>
<td>18</td>
<td>+7</td>
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<td>Closed</td>
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</tr>
<tr>
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<td>1/2005</td>
<td>25</td>
<td>Lower</td>
<td>Combined</td>
<td>Closed</td>
<td>1</td>
<td>31.5</td>
<td>-</td>
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<tr>
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<td>-</td>
<td>25.5</td>
<td>-</td>
<td>25.5</td>
<td>2006</td>
</tr>
</tbody>
</table>

**Average**

| 30 | 10 | 14 | +4 |

**Note:** Statutory gender quotas for the lower house of national parliaments are defined as legal regulations specifying that each party must include a minimum proportion of women in their candidate lists. Change is estimated based on the percentage of women MPs in the parliamentary election held immediately before and after implementation of the gender quota law. (*) The Iraqi Transitional National Assembly. **Sources:** Mala Htun. 2001. ‘Electoral rules, parties, and the election of women in Latin America.’ Paper for the annual meeting of the American Political Science Association, San Francisco August 30 2001; Mala Htun and Mark Jones. 2002. ‘Engendering the Right to Participate in Decision-making: Electoral Quotas and Women’s Leadership in Latin America.’ In *Gender and the Politics of Rights and Democracy in Latin America*, Eds. Nikki Craske and Maxine Molyneux. London: Palgrave; International IDEA/Stockholm University Global Database of Quotas for Women http://www.quotaproject.org/
Acknowledgments (*)
The research would not have been possible without the generous funding of the Kuwait Program Research Fund/Middle East Initiative, the Woman and Public Policy Program (WAPPP), and the Women's Leadership Board, at John F. Kennedy School of Government. I am also most grateful for invaluable research assistance provided by Sepideh Yousefzadeh and Andrew Vogt in conducting interviews and assembling background information, for the cooperation of all the individuals who were willing to be interviewed as part of this project, and for supplementary data provided by Julie Ballington and the Inter-Parliamentary Union.

References


7 The latest observation is in early-March 2006. This comparison includes both appointed and directly elected presidents and prime ministers but it excludes queens or Governor Generals. See Worldwide Guide to Women in Leadership. www.guide2womenleaders.com; Inter-Parliamentary Union. Dataset #4: A Chronology of women Heads of State or Government 1945-02/2006. www.ipu.org


9 Inter-Parliamentary Union. 2006. Women in parliament in 2005: the year in perspective. www.ipu.org


16 International IDEA and Stockholm University. *Quota Project*. www.quotaproject.org


18 For details of the African cases, see International IDEA. 2004. *The Implementation of Quotas: The African Experience*. Stromsberg: International IDEA. Reserved seats for women have also been used in the past in Eritrea but the parliament is currently suspended in this country.


32 There were many journalistic reports of harassment against women candidates and this may have encouraged a disproportionate number of women candidates (58 out of 344) to withdraw prior to election. For the position of women under the Taleban, see Valentine M. Moghadam. 2002. ‘Patriarchy, the Taleban, and politics of public space in Afghanistan.’ *Women’s Studies International Forum* 25(1): 19-31.


39 Personal interview with Lesley Abdela, Chief Executive of Project Parity and international consultant who worked on training women in Iraq. On November 3rd 2003 the CPA spokesman said: “There are no plans for quotas, but we are planning on empowering women through…women’s organizations, democracy trainings, and involving them in the political process.” Annia Ciezadlo. ‘Iraqi women raise voices for quotas.’ *Christian Science Monitor* Dec 17 2003.

40 The Law for the Administration of Iraq during the Transition Period. www.ieciraq.org

41 CPA Orders 92, 96 and 97. www.ieciraq.org


25


