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# UNDERREPRESENTATION OF WOMEN IN PARLIAMENT AFTER THE INTRODUCTION OF ELECTORAL GENDER QUOTAS: LESSONS FROM CROATIA\*\*\*

*Summary:* The article studies the legal issue of women's political (under)representation in the Croatian Parliament from the independence of the Republic of Croatia to the present day, with a special focus on the ineffectiveness of electoral gender quotas as positive measures to increase the number of women in parliament. Namely, Croatia is the only country in the European Union that introduced electoral gender quotas by law, after which it recorded a serious decrease in the number of women in parliament. The Gender Equality Act in 2008 and Act on the Election of the Members of the Croatian Parliament (amendments 2015) prescribes 40 % quotas for each gender. However, not only did these quotas fail to achieve the expected result, but unexpectedly, the number of women parliamentarians in Croatia even decreased after their introduction. For every modern legal state and democratic society, it is very important to understand how electoral gender quotas work and how they can positively affect the representation of women in political decision-making. Care should be taken in determining what legislative solutions and political activities should be undertaken to increase the number of women in parliaments.

The article begins by addressing the definition and terminological challenges associated with basic terms, and then proceeds to offer an overview and analysis

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*of positive legal regulations on electoral gender quotas and equality within the legal system of Croatia. Furthermore, the article provides an analysis of the number of women in the Croatian Parliament across all previous parliamentary elections from the country's independence to the present day. In conclusion, it proposes a thorough and effective redefinition and redesign of existing solutions for electoral gender quotas, advocating for concrete measures and activities aimed at increasing the number of female parliamentarians in the Croatian Parliament. Although this research topic has predominantly been explored by political scientists in Croatian academia, it is also a legal matter. Given the lack of research in the field of law, this article aims to address this gap in legal science. In addition to employing standard scientific methods common in the scientific field of law, quantitative scientific methods are also used in the study.*

**Keywords:** *electoral gender quotas, women in parliaments, women's political rights, women's rights in the Republic of Croatia*

## 1. INTRODUCTION

This article will present a multi-year study on the introduction, application and results of electoral gender quotas, *inter alia*, in Croatian parliamentary elections since their introduction, the reasons for their introduction, and a scientific analysis of the reasons for the failure of electoral gender quotas in Croatia. In most societies, certain population groups are underrepresented and/or even invisible, and as such, they cannot participate in various aspects of political and other social and state life. In order to assist these marginalised or underrepresented social groups, measures, means, or methods have begun to be applied to enable their greater visibility and activity by privileging them directly. A term frequently used for such favouritism and giving preference to certain underrepresented groups is the (American) term “affirmative action” or (European) “positive action”.<sup>1</sup> Of course, quotas may refer to various social groups (e.g. minorities and other ethnic groups, persons with disabilities, youth, etc.) and can be applied to various types of elections (e.g. local, regional, national, to the European Parliament, and to other decision-making bodies such as administrative boards, etc.). Hence, we view them in a way that increases the visibility of underrepresented groups of people in certain governing bodies. One of the measures or actions taken by the state in this regard is the so-called “electoral gender quota”, which aims at reducing the political underrepresentation of women in elections. Namely, electoral gender quotas require that a certain number or proportion of women (or men) *must* be included on electoral lists for e.g. parliaments, governments, bodies governing local and regional administration, and other publicly elected bodies of political power, etc. In this way, all those who favour men on the lists are in some way “forced” to include women on those lists at all costs. As a result, in several European countries, the number of women in parliaments increased after these quotas were introduced, unlike

<sup>1</sup> For more details, see: Ana Horvat Vuković, *Pravno uređenje pozitivne diskriminacije kroz poseban osvrt na primjer Indije*, (DPhil thesis, Faculty of Law, University of Zagreb, Zagreb, 2013), p. 2 *et seq.*

countries that failed to implement such special measures, which hence showed a significantly lower number of women in parliaments (e.g. Hungary, Cyprus, and Romania).<sup>2</sup>

Surprisingly, Croatia is the only member state of the European Union which introduced legal electoral gender quotas, and which even had an incredible drop in the number of women in parliament after the introduction of those quotas in 2008. More precisely, the number of women in the Croatian Parliament decreased in as many as three consecutive electoral cycles in the parliamentary elections that took place after the introduction of electoral gender quotas in 2011, 2015 and 2016. The question therefore arises as to how it is possible that after the introduction of electoral gender quotas, the Act and numerous other norms that allow positive discrimination and solid institutional foundations for the implementation of the principle of gender equality, Croatia recorded a significant decline in the representation of women in the Croatian Parliament and is far from the proclaimed and expected gender equality. This is especially worrying because scientific studies have shown that in most other countries, the introduction of electoral gender quotas has helped to increase the number of women in parliaments and (somewhat) balance the ratio of women to men in parliaments. Although this is a legal-political issue, there is a chronic lack of publications in the scientific field of law on this topic, and there is such a serious gap in Croatian legal science on the effectiveness of electoral gender quotas that this article, *inter alia*, aims to begin to fill. Let us mention in the introduction that according to the latest statistical data from 2023, 3,878,981 inhabitants live in Croatia, of whom 2,011,026 are women, and 1,867,955 are men (i.e. 51.8 % of women and 48.2 % of men).<sup>3</sup>

## 2. TERMINOLOGICAL CHALLENGES WITH THE CONCEPT OF ELECTORAL GENDER QUOTAS

In scientific literature, as well as in political circles, media, social networks, and everyday life, various terms are used to describe attempts by lawmakers to artificially increase the number of women in parliaments. In the context of women, the term “quota” is most commonly used by combining several words. Thus, we have “gender quotas”,<sup>4</sup> “electoral quotas”,<sup>5</sup> “elec-

2 For gathering relevant data on the representation of women in parliaments across European Union member states, this article utilised the official database of the global organisation of national parliaments, IPU – Inter-Parliamentary Union ([www.ipu.org](http://www.ipu.org)). Statistical data collected in this article are those provided by European Union member states to the Inter-Parliamentary Union up to 31 May 2023, and were published on the official website of the Inter-Parliamentary Union: <https://data.ipu.org/women-ranking?month=11&year=2023/>. For the purposes of this article, data from the aforementioned website were collected in November and December 2023.

3 *Women and Men in Croatia* (Croatian Bureau of Statistics, 2023), 7.

4 For more details see: Guillaume R Frechette, Francois Maniquet, Massimo Morelli, “Incumbents’ Interests and Gender Quotas”, (2008) 52(4), *American Journal of Political Science*, 891–909; Mona Lena Krook, Joni Lovenduski, Judith Squires, “Gender Quotas and Models of Political Citizenship”, (2009) 39, *British Journal of Political Science*, 781–803; Susan Franceschet, Mona Lena Krook, Jennifer M Piscopo, “Conceptualizing the Impact of Gender Quotas”, in Franceschet, Susan, Krook, Mona Lena, Piscopo, Jennifer M. (eds.), *The Impact of Gender Quotas* (Oxford University Press, 2012) 4; Eleonore Lepinard, “For Women Only? Gender Quotas and Intersectionality in France” (2013) 9 *Politics & Gender*, 276–298; Mona Lena Krook, Par Zetterberg: *Gender Quotas and Women’s Representation* (Routledge, 2016); Elena Nacevska, Sonja Lokar, “The Effectiveness of Gender Quotas in Macedonia, Serbia and Croatia”, (2/2017), 54 *Teorija in Praksa*, 394–412, etc.

5 For more details see: Richard E Matland, “Electoral quotas: Frequency and effectiveness”, in Drude Dahlerup (ed.), *Women, Quotas and Politics* (Routledge, 2006), 275-292; Carol Bacchi, “Electoral quotas: Arguing for and against quotas: theoretical

toral gender quotas”<sup>6</sup>, “quotas”<sup>7</sup>, “sex quotas”<sup>8</sup>, or the broader term like “special measures”<sup>9</sup> is used. Interestingly, the Croatian legislator does not use the term “quota”. Only the term “special measures” (Croatian: *posebne mjere*)<sup>10</sup> is used in the basic act on electoral gender quotas, i.e. in Articles 9–13 of the Gender Equality Act (2008). Among the various phrases and word combinations proposed, we believe that the most suitable combination of words for this type of measure would be “electoral gender quota”, so we have used it throughout this article.

We need to further explain to the reader the challenges faced by the researcher in search of the most appropriate possible term or phrase for these measures not only in English, but also in other languages, including Croatian. In Croatian, the terms “sex” (i.e. *spol*) and “gender” (i.e. *rod*) are, as a rule, taken as synonyms, which is, of course, erroneously imprecise. Equalisation of sex and gender is common in both legal texts and everyday speech. In its Article 12, the Gender Equality Act stipulates that these special measures for increasing the number of women in parliaments are introduced if “one sex”, meaning biological (assigned at birth) sex (Croatian: *spol*), is substantially underrepresented, i.e. if it accounts for less than 40 %. As we will see further in the text, this act mandates the counting of the candidates on the parliamentary lists in political decision-making bodies according to “*biological sex*”, as determined by biological factors and as individuals are recorded in the registry books, according to legal classification, rather than based on how individuals feel or which gender group they lean towards. That is why the term “sex quota” (Croatian: *spolna kvota*) is commonly used in Croatian as a biological category.

Interestingly, in the entire Croatian Gender Equality Act (2008), regardless of quotas, the term “gender” itself is not mentioned at all. The concept of “gender” is not mentioned in the Constitution either, and it is less frequently found in Croatian acts, mostly only in a grammatical sense related to the “3<sup>rd</sup> person singular or plural”.<sup>11</sup> Exceptions include, for example, the Anti-Discrimination Act (2008), which states that discrimination, *inter alia*, based on gender

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issues”, in Drude Dahlerup (ed.), *Women, Quotas and Politics* (Routledge, 2006), 32–53; Rachel Van Cleave, Luogo e Spazio, “Place and Space: Gender Quotas and Democracy in Italy”, (2017), 42 *University of Baltimore Law Review*, 329–363, etc.

6 For more details see: Drude Dahlerup, Lenita Freidenvall, “Judging Gender Quotas: Prediction and Results”, (2010) 38(3), *The Policy and Politics*, 408; Drude Dahlerup, Zeina Hilal, Nana Kalandadze, Rumbidzai Kandawasvika-Nhundu: *Atlas of Electoral Gender Quotas*, International Institute for Democracy and Electoral Assistance, (2014); Kayo Onishi, *Electoral Gender Quotas and Women’s Representation When and How Do Quotas Work?*, Indiana University, (2017); Drude Dahlerup, Monique Leyenaar (eds.), *Breaking Male Dominance in Old Democracies* (Oxford University Press, 2013), etc.

7 For more details see: Olga Barbarska, “Political Party Strategies for Increased Representation of Women in Political Decision-Making in the EU Member States and Poland” (2002) 6 *Yearbook of Polish European Studies*, 141; Marjeta Šinko, “Političke stranke i regrutacija žena u parlamente: primjena kvota u zemljama Europske unije”, (2006) 4 *Politička misao*, 47–68.

8 For more details see: Manon Tremblay, *Women and Legislative Representation, Electoral Systems, Political Parties and Sex Quotas*, (Palgrave Macmillan, 2008); Jill M Bystydzienski, “*Women in electoral politics, Lessons from Norway*”, (Praeger, Westport, Connecticut, London, 1995), 49; Sarah Childs, Paul Webb, *Sex, Gender and Conservative Party*, (Palgrave Macmillan, 2012), 140.

9 For more details see: Skye Christensen, Gabrielle Bardall, “Gender Quotas in Single-Member District Electoral Systems” (2016) 4(2) *Politics, Groups and Identities*, 246–267; Christine Chinkin, “Temporary special measures” in Eibe Riedel et al. (eds.) *Economic, Social and Cultural Rights in International Law: Contemporary Issues and Challenges*, (Oxford University Press, 2014) 134–162, etc.

10 Gender Equality Act, Official Gazette 82/2008, 69/2017.

11 For example, Croatian regulations use the wording, let us paraphrase, “the use of the 3<sup>rd</sup> person singular in the masculine gender in this act does not mean that we discriminate against women” or “all terms that have a gender meaning apply equally to men and women”. Namely, it is customary in Croatian nomotechnics for acts to be written in the masculine gender for practical reasons, so that the text would not be burdened by the use of certain gender-related terms each time in both the feminine and masculine genders.

is prohibited.<sup>12</sup> The concept of gender can also be found in the State Registries Act (Articles 9(a) and 36 recognise “the right to live in another gender identity”<sup>13</sup>), and in several articles of the Croatian Criminal Code (e.g. criminal sanctions based on “gender identity”<sup>14</sup>). Delving into a more detailed analysis of this legal and linguistic issue would go beyond the scope of this article.<sup>15</sup> Considering all that has been said, the authors have opted in this article for the term “electoral gender quota”, which appears to be more commonly used and more appropriate in English as a phrase. However, it is worth noting that if this article were written in Croatian, the phrase “electoral sex quota” (or *izborna spolna kvota*) would be used. Nevertheless, concluding on the choice of terminology, it is possible that the phrase “electoral sex or gender quota” (Croatian: *izborna spolna ili rodna kvota*) could be the most accurate phrase in both English and Croatian, but it sounds impractical and would hardly become common in practice.

### 3. LEGAL SOURCES ON ELECTORAL GENDER QUOTAS IN CROATIA

Since the nineties of the last century, there have been debates for and against the application of electoral gender quotas, both political and academic. In the scientific literature, there are numerous reasons that speak affirmatively about electoral gender quotas, but very reason for it is also met with a reason against it.<sup>16</sup> The authors are aware of all the weaknesses and justified criticism of electoral gender quotas.

Let us see which are the most important acts in Croatia, apart from the previously mentioned Gender Equality Act (2008), which encourage a balanced representation of women and men on electoral lists. These are: the Anti-Discrimination Act (2008), the Local Elections Act

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- 12 Gender or the term “gender identity” are mentioned, for example, in Article 1, in which various grounds of discrimination are stated and in the context of which prohibition of discrimination is mentioned, *inter alia*, on grounds of “sex” and “gender identity”, and in Article 25 (criminal liability for discrimination based on, *inter alia*, “sex” and “gender identity”), Anti-Discrimination Act, Official Gazette 85/2008 and 112/2012.
- 13 State Registries Act, Official Gazette 96/1993, 76/2013, 98/2019, 133/2022. See also the Rulebook on the method of collecting medical documentation and determining the conditions and assumptions for changing gender or living in a different gender identity, Official Gazette 96/1993, 76/2013, 98/2019, 133/2022.
- 14 Criminal Code, Art. 87 defines a hate crime, *inter alia*, as a crime committed on account of “sexual orientation or gender identity of another person”. Art. 125 also mentions “gender identity expression, sexual orientation” in the context of granting privileges or benefits. Art. 325 of the Criminal Code prohibits public incitement to violence and hatred, *inter alia*, on grounds of “gender or sexual orientation” and “gender identity”, Official Gazette 125/2011, 144/2012, 56/2015, 61/2015, 101/2017, 118/2018, 126/2019, 84/2021, 114/2022, 114/2023.
- 15 See also Danijela Rupčić, “Značenje pojma rod i njegova primjena u hrvatskom pravnom poretku” (2018) 53(2) *Crkva u svijetu*, 169–195.
- 16 See Drude Dahlerup, Lenita Freidenvall, „Quotas as a “Fast Track” to Equal Political Representation for Women, Why Scandinavia is no longer the model”, in: Krook, Mona Lena, Childs, Sarah: *Women, Gender, and Politics*, (Oxford University Press, 2010), 176; Drude Dahlerup, “Increasing Women’s Political Representation: New Trends in Gender Quotas”, in: *Women in Parliament: Beyond Numbers*, International IDEA, Stockholm, (2005), 144; Mona Lena Krook, “Gender Quotas, Norms and Politics, Critical Perspectives on Gender and Politics”, in: *Politics & Gender*, 2, (Cambridge University Press, 2006), 110; Carol Bacchi, “Electoral quotas: Arguing for and against quotas: theoretical issues”, in Drude Dahlerup (ed.), *Women, Quotas and Politics* (Routledge, 2006), 32–53; Susan Franceschet, Mona Lena Krook, Jennifer M Piscopo, “Gender Quotas and Women’s Substantive Representation: Lessons from Argentina”, *Politics and Gender*, Volume 4, Issue 3, (2008), 393–425; Jennie E Burnet, „Women have found respect: gender quota, symbolic representation, and female empowerment in Rwanda”, *Politics & Gender* 7, (2011), 303–334; Homa Hoodfar, Mona Tajali, *Electoral Politics, Making Quotas Work For Women*, (Women living under muslim laws 2011), 49–53; Susan Franceschet, Mona Lena Krook, Jennifer M Piscopo, „Conceptualizing the Impact of Gender Quotas”, in: Franceschet, Susan, Krook, Mona Lena, Piscopo, Jennifer M.: *The Impact of Gender Quotas*, New York, (Oxford University Press 2012), 11.

(2012),<sup>17</sup> the Act on the Election of Members to the European Parliament from the Republic of Croatia (2010),<sup>18</sup> the Act on the Election of Members to the Croatian Parliament (1999),<sup>19</sup> and the Act on the Financing of Political Activities, Election Campaigns and Referendums (2019).<sup>20</sup>

In what follows, key parts of relevant regulations related to the topic of this article will be presented following an analysis of the Constitution of the Republic of Croatia, and two Croatian legal regulations exclusively tied to electoral gender quotas for parliamentary elections will be analysed in detail. These are the Gender Equality Act and the Act on the Election of Members to the Croatian Parliament.

The legal provisions on which gender equality in Croatia is based primarily include the Constitution of Croatia as the fundamental legal act, *inter alia*, for regulating the legal status of women in Croatia. In terms of legal force, international treaties to which Croatia is a party and which are in force constitute part of Croatia's domestic legal order and, if ratified, shall have primacy over domestic law (Article 141 of the Constitution of Croatia). It is worth noting that Croatia is a party to the majority of relevant and fundamental international treaties in the field of human rights protection. Let us mention some of these international treaties in the context of gender equality: the Convention on the Political Rights of Women (1952),<sup>21</sup> the International Covenant on Civil and Political Rights (1966),<sup>22</sup> the Convention on the Elimination of All Forms of Discrimination against Women (1979),<sup>23</sup> the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999),<sup>24</sup> and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2011).<sup>25</sup>

Regarding Croatian regulations, apart from the Constitution and the aforementioned Gender Equality Act (2008), in the context of general gender equality in matters of political participation, it is necessary to mention first the Anti-Discrimination Act (2008). In its general provisions, specifically in Article 1, this Act proclaims the protection and promotion of equality as the highest value of the constitutional order of Croatia. Then, in Article 9(3), the Local Elections Act

17 Local Elections Act, Official Gazette 144/2012, 121/2016, 98/2019, 42/2020, 144/2020, 37/2021.

18 Act on the Election of Members to the European Parliament from the Republic of Croatia, Official Gazette 92/2010, 23/2013, 143/2013.

19 Act on the Election of Members to the Croatian Parliament, Official Gazette 116/1999, 109/2000, 53/2003, 69/2003, 167/2003, 44/2006, 19/2007, 20/2009, 145/2010, 24/2011, 93/2011, 120/2011, 19/2015, 104/2015, 98/2019.

20 Act on the Financing of Political Activities, Election Campaigns and Referendums, Official Gazette 29/2019, 98/2019.

21 Convention on the Political Rights of Women, Official Gazette FPRoY, International treaties and other agreements 7/1954, RoC is a party to that Convention on the basis of the Decision on the publication of multilateral international treaties to which the Republic of Croatia is a party on the basis of succession notifications, Official Gazette – International agreements 12/1993.

22 International Covenant on Civil and Political Rights, Official Gazette 7/1971, RoC is a party to that Pact on the basis of the Decision on the publication of multilateral international treaties to which the Republic of Croatia is a party on the basis of succession notifications, Official Gazette – International agreements 12/1993.

23 Convention on the Elimination of all Forms of Discrimination Against Women, Official Gazette SFRoY, – International agreements 11/1981, RoC is a party to this Convention on the basis of the Decision on the publication of multilateral international treaties to which the Republic of Croatia is a party on the basis of succession notifications, Official Gazette – International agreements 12/1993.

24 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Official Gazette – International agreements 3/2001, 4/2001.

25 Act on the Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence, Official Gazette 3/2018.

imposes obligations on political parties as proposers of electoral lists to respect the principle of gender equality pursuant to a specific act (i.e. the Gender Equality Act). Similarly, pursuant to Article 14(3) of the Act on the Election of Members to the European Parliament from the Republic of Croatia, proposers are required to consider gender equality when compiling lists.

Regarding gender equality and specific gender quotas for parliamentary elections, again we refer to the Gender Equality Act (2003). Let us remind that the first Gender Equality Act was adopted by the Croatian Parliament in 2003 and was in force until 15 July 2008, when it was repealed. The new Gender Equality Act was adopted in 2008 and further aligned with contemporary provisions, standards, and guidelines of international and European law.<sup>26</sup> In this sense, Article 9(2) of the Act says that electoral gender quotas are *temporarily* introduced in order to achieve real equality between women and men, and it is stated that such measures are not considered discrimination. Article 9(1) clarifies that special measures are “specific benefits” designed to facilitate equal participation in public life for individuals of a particular gender, to redress existing inequalities, or to secure rights that were previously denied, without constituting discrimination. Article 12 of this Act further stipulates that through the implementation of special measures, equal participation of women and men in legislative, executive, and judicial bodies, including public services, will be promoted. Additionally, it aims to gradually increase the inclusion of underrepresented genders to ensure their representation reflects their proportion in the total population of Croatia. The same article also defines the concept of balanced representation, stating that a noticeable gender imbalance exists if one gender’s representation in political and public decision-making bodies falls below 40 %. Article 15 of the same Act establishes that political parties and other authorised proposers are obligated to establish and propose list of candidates for the election of members to the Croatian Parliament, local and regional self-government bodies, and the European Parliament in a manner that respects gender equality principles. This includes ensuring balanced representation of women and men on electoral lists.

If the principle of equality is not respected and there is no balanced representation by gender on lists of candidates for the election of members to the Croatian Parliament, members of representative bodies in local and regional self-government units, and members to the European Parliament (at least 40 % for each gender), Article 23 of the Gender Equality Act provides for a “fine for such a violation”. This fine can be imposed on political parties and other authorised proposers in the amount of the then 50,000 HRK (approximately 6,600 EUR) for the election of members to the Croatian Parliament and to the European Parliament, 40,000 HRK (approximately 5,300 EUR) for the election of members of city councils and county assemblies, and 20,000 HRK (approximately 2,600 EUR) for the election of members of municipal councils.

Interestingly, Article 15 of the old Gender Equality Act of 2003, stated that political parties registered in the Register of Political Parties should adopt an “action plan on the issue of balanced representation of women and men” every four years. This plan was supposed to determine “the methods for promoting a more balanced representation of women and men in party bodies, on the lists of candidates for elections to the Croatian Parliament and local and regional self-government units”. That “action plan” is no longer included in the new Act

<sup>26</sup> Gender Equality Act (2008) is based on the Resolution of the European Parliament of 18 January 2001 on balanced participation of women and men in the decision-making process and on Recommendation Rec (2003)3 of the Committee of Ministers of Member States on balanced participation of women and men in political and public decision-making, which contains the definition of balanced participation.

of 2008. It is questionable whether such an obligation for political parties would contribute to an increase in the number of women on the lists for parliament, since no penal provisions are prescribed for its non-application.

The next act in which electoral gender quotas are defined is the Act on the Election of the Members of the Croatian Parliament (1999), which regulates candidacy and election of the members of the Croatian Parliament. The candidacy procedure is defined in Article 20(3) of this Act. This paragraph stipulates that political parties “independently determine their party lists and the order of candidates featured on them, in the manner provided by the statute of the political party, i.e. in accordance with special statutory decisions”. In relation to the obligation to comply with the regulations on gender equality, Article 21(a) of the Act on the Election of the Members of the Croatian Parliament (1999) stipulates that list proponents, when determining and proposing party lists for the election of the members to the Croatian Parliament, are obliged to respect the principle of gender equality and take care of balanced representation of women and men on electoral lists, which must have at least 40 % of members of each gender.

Let us mention one more important act in the context of electoral gender quotas. The Act on the Financing of Political Activities, Election Campaigns and Referendums (2019)<sup>27</sup> provides financial assistance to the underrepresented gender, so Article 9 stipulates that each Member of Parliament or each member of the representative body of a self-government unit representing an underrepresented sex, political parties, independent Members of Parliament or independent councillors shall be entitled to a compensation amounting to 10 % of the amount envisaged for each Member of Parliament or member of the representative body of a self-government unit, and states that underrepresentation of sex shall be deemed to exist where the representation of one sex in the Croatian Parliament or in the representative body of a self-government unit is less than 40 %.

Finally, let us mention the political measures of the Government of the Republic of Croatia to promote gender equality. In March 2023, the National Plan for Gender Equality for the period until 2027 and the Action Plan for the Implementation of the National Plan for the period until 2024<sup>28</sup> were adopted, as medium-term strategic planning acts of the Government of Croatia, which define and establish special goals that promote and establish gender equality. The Plan is based on the three strategic documents adopted previously in this field since 2001,<sup>29</sup> especially the National Policy for the Promotion of Gender Equality for the period 2011–2015,<sup>30</sup> and aimed at redefining national priorities and methods of implementation in accordance with the altered social and political circumstances, progress achieved and further challenges in establishing gender equality.

Finally, it is obvious that Croatia has an extensive network of legal regulations and measures that advocate equality of women and men in political life. However, the election results

27 Act on the Financing of Political Activities, Election Campaigns and Referendums, Official Gazette 29/2019, 98/2019.

28 National Plan for Gender Equality for the period until 2027 and Action Plan for the Implementation of the National Plan for the period until 2024, Official Gazette 28/2023.

29 For more details, see the National Policy for the Promotion of Gender Equality with the Implementation Programme of the National Policy for the Promotion of Gender Equality in the Republic of Croatia from 2001 to 2005, Official Gazette 112/2001, and National Policy for the Promotion of Gender Equality for the period 2006–2010, Official Gazette 114/2006.

30 National Policy for the Promotion of Gender Equality for the period 2011–2015, Official Gazette 88/2011.



that will be presented in this article show that this is not the case and that the political rights and equality of women in terms of the balance of their number in the Croatian Parliament have not been achieved by virtue of these regulations and measures. Since in Croatia we continue to record poor results in women's representation in political decision-making bodies, it is necessary to additionally think about how to raise the standard of the legislative and institutional framework and ensure equality of women and men. If one does not want to retain only the declaratory character of the aforementioned regulations, a careful redefinition and revision of the existing regulations on electoral gender quotas is necessary because it is obvious that the existing legal solutions are not sufficient, which will be discussed later in the text.

## 4. APPLICATION AND INTERPRETATION OF LEGAL PROVISIONS IN PRACTICE

### 4.1. INTRODUCING SANCTIONS FOR FAILURE TO COMPLY WITH MINIMUM WOMEN'S REPRESENTATION AND THE DECISION OF THE CONSTITUTIONAL COURT OF 2015

When only 19.9 % of women<sup>31</sup> entered the then Croatian Parliament in 2011, it was clear that balanced representation of both genders would not happen spontaneously unless direct legal interventions were taken in the Act on the Election of the Members of the Croatian Parliament (1999) to encourage greater involvement of women in political life. Therefore, a legislative proposal was submitted to the Croatian Parliament to introduce penalties for non-compliance with provisions regarding the gender composition of a list where both genders are represented with at least 40 %. Lists that would not meet this quota would be declared null and void. The aforementioned legislative proposal was accepted, and on 13 February 2015, the Croatian Parliament adopted the Decision Promulgating the Act Amending the Act on the Election of Members to the Croatian Parliament.<sup>32</sup> Specifically, a previously mentioned Article 21(a) was added after Article 21 of the Act on the Election of Members to the Croatian Parliament establishing that when compiling and proposing party lists and independent lists for the election of members to the Croatian Parliament, the list proposers are obliged to respect the principle of gender equality and ensure balanced representation of women and men on the lists. Paragraph 2 of the same article stipulates that a list for the election of members is balanced if it contains at least 40 % of candidates of each sex, and that a list on which less than 40 % of candidates of each sex are represented is null and void.

At the request of a minor political party, the Constitutional Court of the Republic of Croatia issued a decision on 24 September 2015,<sup>33</sup> initiating a procedure to assess the compatibility of Article 21a (2) of the Act on the Election of Members to the Croatian Parliament with the Constitution of the Republic of Croatia. The Constitutional Court then invalidated part of the

31 *Women and Men in Croatia*, (Croatian Bureau of Statistics 2023), 74.

32 Act Amending the Act on the Election of Members to the Croatian Parliament, Official Gazette 19/2015.

33 Decision and Ruling of the Constitutional Court of the Republic of Croatia, U-I-1397/2015, 24 September 2015, Official Gazette 104/2015.

provision pertaining to a list proclaimed null and void if it does not include at least 40 % of candidates of each sex, deeming it contrary to Article 3 of the Constitution of the Republic of Croatia due to its disproportionately restrictive effect on the freedom of candidacy of authorised participants in electoral competition (Article 16 in conjunction with Article 45(1) of the Constitution of the Republic of Croatia), but also in relation to the general development of the multiparty democratic system as the highest value of the constitutional order of Croatia (Article 16 in conjunction with Article 3 of the Constitution of the Republic of Croatia). In this way, in relation to the conflict between two principles, i.e. two equally important constitutional values – gender equality and the multiparty democratic system, the Constitutional Court of Croatia ultimately gave precedence to the multiparty democratic system.

Another factor contributing to such a stance of the Constitutional Court is the fact that the application of the provisions of Article 35 of the Gender Equality Act (2008) and Article 21a of the Act on the Election of Members to the Croatian Parliament would result in double penalties for the proposers of electoral lists. It is worth noting that under the Gender Equality Act, political parties and other authorised proposers of electoral lists, as we noted earlier, face a fine if they fail to adhere to the principle of gender equality laid down in Article 15 of the Act and do not ensure balanced representation of women and men on the electoral lists pursuant to Article 12 of the Act. Furthermore, the Act on the Election of Members to the Croatian Parliament additionally provides for disqualification of candidate lists from electoral competition, which the Constitutional Court views as a violation of the principle of proportionality.

Unfortunately, with this Decision, the Constitutional Court has closed the path to the effective penalisation of political parties that do not comply with legal provisions on electoral gender quotas and to achieving balanced representation of both genders in the Croatian Parliament. Of course, it would have been better for promoting women's rights if the Constitutional Court of the Republic of Croatia had shown more sensitivity in this case to the issues of gender inequality in Croatian society and underrepresentation in the Croatian Parliament, and if it had applied a different interpretation, given that to this day the issue of balanced representation of both genders has not been achieved.

#### **4.2. CONTROVERSIAL INTERPRETATION OF THE DECISION OF THE CONSTITUTIONAL COURT BY THE STATE ATTORNEY'S OFFICE (2016)**

In addition to the Constitutional Court's Decision of 2015 declaring the proposed legislative measure of automatic disqualification of candidate lists from electoral competition unconstitutional if the list does not include at least 40 % of candidates of each sex, another important moment related to electoral gender quotas occurred in Croatia. This event, the authors argue, had a detrimental impact on the development and strengthening of women's political participation in parliamentary elections.

Namely, after the election for the members to the Croatian Parliament held in 2015, a problem arose with the implementation of Article 35 of the Gender Equality Act, which stipulated that political parties and other authorised proposers who do not adhere to the application of electoral gender quotas of a minimum 40 % representation of both genders on each

electoral list should be fined with a monetary penalty of the then 50,000 HRK (approximately 6,600 EUR). Since the electoral gender quota was not adhered to in 33 out of 166 electoral lists in the 2015 election, the State Electoral Commission filed misdemeanour charges to the State Attorney's Office against proposers who did not comply with the electoral gender quota. These misdemeanour proceedings were never initiated because the State Attorney's Office interpreted the provision such that there was no legal basis for instituting misdemeanour proceedings because the parliamentary election held in 2015 "was not the third regular election since the enactment of the Gender Equality Act". As this election was not the third regular election, Article 15(2) of the Gender Equality Act, which requires the application of electoral gender quotas no later than the third regular election following the date of the enactment of that Act, should not have been applied thereto. According to the State Attorney's Office, the 2015 election was the second regular election. Therefore, they believed there were no grounds for instituting misdemeanour proceedings against the proposers of electoral lists.<sup>34</sup>

In response to the aforementioned decision by the State Attorney's Office, the Constitutional Court issued a warning<sup>35</sup> in which it emphasised that the State Attorney's Office based its conclusion on a "selective and incorrect interpretation of the Constitutional Court's decision of September 2015 on the Elections Act" and that "the State Attorney's Office erroneously referred to the provisions of the Gender Equality Act which prescribe the obligation that the representation of the underrepresented gender must reach the level of its share in the total population of Croatia no later than at the implementation of the third regular election". The Constitutional Court warned the State Attorney's Office that this provision has no connection to the specific obligation under the Elections Act (Act on the Election of Members to the Croatian Parliament) according to which electoral lists for the election of members in the 8<sup>th</sup> convocation of the Croatian Parliament (held in 2015) were required to have at least 40 % members of each gender. Therefore, the Constitutional Court expected the State Attorney's Office to retract the disputed conclusion and act in accordance with the law and the misdemeanour charge filed by the State Electoral Commission; however, this did not happen, and misdemeanour proceedings were not initiated at that time.

However, considering that in the most recent parliamentary election (2020), a 40 % quota for women (or the underrepresented gender) was not met on as many as 14 electoral lists (23.3 %)<sup>36</sup> out of 60 electoral lists of political parties in 10 electoral districts, it is clear that consistent application of electoral gender quotas is still lacking among parliamentary parties as proposers of electoral lists. This ultimately contributed to the concerning result of women's representation in the Croatian Parliament.

After the parliamentary elections held in 2016 and 2020, based on Article 25 of the Gender Equality Act (2008), the Ombudsperson for Gender Equality requested the State Attorney's Office to provide information on misdemeanour proceedings initiated, i.e. on the implementation of misdemeanour sanctions laid down in Article 35 of the Gender Equality Act against the proposers of electoral lists who, when submitting lists in political elections, do not respect

34 Press release of the State Attorney's Office of the Republic of Croatia, available at: <<http://www.dorh.hr/NePostojiZakonski/>>.

35 Warning of the Constitutional Court of the Republic of Croatia, available at: <<https://www.usud.hr/hr/upozorenje-usrh-dorh-uspolna-kvota-na-izborima/>>.

36 National Plan for Gender Equality for the period until 2027 and Action Plan for the Implementation of the National Plan for the period until 2024, Official Gazette 28/2023.

the quota of at least 40 % of candidates of each gender. The Ombudsperson pointed out in her reports that she does not have the aforementioned statistical data. The reason for this is the way these data are statistically processed by the State Attorney's Office, from which it is not visible which provision of the Gender Equality Act and which political elections the misdemeanour proceedings refer to. In the Work Report for 2022, which was submitted most recently, the Ombudsperson for Gender Equality recommended political parties to encourage equal participation of women in internal party structures at all hierarchical levels, including the top of the party hierarchy and when appointed to political positions, and for this purpose, if necessary, apply special measures provided for in Article 9 of the Gender Equality Act, the State Attorney's Office (in accordance with Article 35 of the Gender Equality Act) to timely and consistently initiate misdemeanour proceedings against the proposers of candidate lists who do not respect the principle of gender equality in elections, and all relevant stakeholders to encourage equal participation of women in management positions.<sup>37</sup>

Women's representation in the Croatian Parliament since 1992 will be presented in the next section, along with a brief historical overview of formal equality between women and men and women's suffrage in Croatia.

## 5. WOMEN'S REPRESENTATION IN THE CROATIAN PARLIAMENT

### 5.1. HISTORICAL OVERVIEW: THE BEGINNINGS OF FORMAL EQUALITY FOR WOMEN AND THE FIRST FEMALE PARLIAMENTARY REPRESENTATIVES IN CROATIA

Before presenting women's representation in the Croatian Parliament since the independence of Croatia in 1991, let us take a brief look at how the development of women's political rights began in terms of women being elected to the highest legislative bodies in Croatia. As will be seen in the text, it seems that Croatia has not progressed significantly since the period after World War II, when women were granted active and passive voting rights and thus entered the Federal Assembly of Yugoslavia and the republic's parliament, compared to modern times, at least concerning a significant difference in the number of women in parliament.

The struggle for a better legal and political position of women and for the political rights of women at the end of the 19<sup>th</sup> century was rarely mentioned and mostly with negative connotations in Croatia at the time.<sup>38</sup> The unpopularity of this issue at a time when the suffragette movements were emerging in Europe is related to the fact that these regions were characterised by social backwardness and a strong patriarchy, as well as the absence of a more powerful women's lobby, but also the economic crisis and the fact that the focus was on issues of national self-de-

37 The ombudsperson submits annual reports in March for the previous year. Report on the work of the Ombudsperson for Gender Equality for 2022, 153, is available at: <[https://www.prs.hr/application/uploads/Izvje%C5%A1%C4%87e\\_o\\_radu\\_PRS\\_u\\_2022\\_cjelo.pdf](https://www.prs.hr/application/uploads/Izvje%C5%A1%C4%87e_o_radu_PRS_u_2022_cjelo.pdf)>.

38 Ida Ograjšek, "Zastupljenost ženskog pitanja u hrvatskim glasilima na kraju 19. st." (2004) 34–36 Radovi – Zavod za hrvatsku povijest, 98.

termination.<sup>39</sup> With a short period of Mažuranić's reforms in the 19<sup>th</sup> century, Croatia was one of the countries where the development of women's political rights began later. More precisely, it was only during World War II that the so-called "Women's Anti-Fascist Front of Yugoslavia" was formed, which operated in Croatia from 1942 to 1952 under the name "Women's Anti-Fascist Front of Croatia".<sup>40</sup> The first general legal documents passed during World War II that granted women in Yugoslavia the right to vote were the so-called Foča Regulations of February 1942, and these are actually two documents that provide for the right of "women to vote and be elected to the bodies of the revolutionary government at the time".<sup>41</sup> In 1943, the "State Anti-Fascist Council for the National Liberation of Croatia" (ZAVNOH) was established as a specific, unique executive and legislative body. At that time, ZAVNOH was actually the highest political body in Croatia, which held four sessions during World War II. In relation to the topic of this article, it should be noted that ZAVNOH also included a certain number of women who were granted the rights to vote and be elected by the revolutionary authorities.<sup>42</sup> Thus, 11, 15, 14, and 13 women were delegated to the first, second, third, and fourth ZAVNOH sessions, respectively.<sup>43</sup>

The right to equality between women and men was formally proclaimed in the constitutions at federal and republic levels after World War II, i.e. at the beginning of a new state – socialist Yugoslavia.<sup>44</sup> In the Constitution of the then Federal People's Republic of Yugoslavia (FNRJ) of 1946, Article 24 proclaimed formal equality of men and women. Article 23 of the Constitution granted universal suffrage to women in the territory of the former Yugoslavia. Women's rights to vote and be elected were limited in the event that court proceedings were conducted against them, or they lost that right by violating some other laws (Article 23(4)). Articles 24 and 25 of the Constitution of the People's Republic of Croatia confirmed the right from the federal Constitution that women have the rights to vote and be elected and that they are equal with men.<sup>45</sup> Provisions on women's suffrage were also contained in the federal Voter List Act of 10 August 1945, and other election-related acts at federal and republic levels.<sup>46</sup>

Based on these regulations, the election to the Constituent Assembly of the People's Republic of Croatia at the end of 1946 was the first parliamentary election held in Croatia, in which women not only voted, but also ran for membership in this formally highest political

39 *Ibidem*, 99.

40 This organisation was supposed to be an auxiliary organisation whose goal was to mobilise, connect and organise more widely women in their actions within the People's Liberation Struggle in order to provide assistance to the army, as well as to work on political empowerment of women who should understand and be interested in achieving all the goals of that struggle. Dijana Dijanić, "Društveno-kulturalni aspekti položaja žena: Antifašistička fronta žena (1945–1953)" (DPhil thesis, Faculty of Croatian Studies, University of Zagreb, Zagreb, 2015), 21. See also Lydia Sklevicky *Organizirana djelatnost žena Hrvatske za vrijeme narodnooslobodilačke borbe 1941–1945*, Institut za historiju radničkog pokreta Zagreb, SFRJ, (1984).

41 Ivana Pantelić, *Partizanke kao građanke: društvena emancipacija partizanki u Srbiji 1945–1953*, 37, as cited in Nenad Bukvić "Sabor Narodne Republike Hrvatske: organizacija i djelovanje (1945–1953)" (PhD thesis, Faculty of Croatian Studies, University of Zagreb, Zagreb, 2017), 252.

42 Bukvić, 252.

43 *Ibidem*, 252–253, Dijanić, 93.

44 According to the then Constitution of the Federal People's Republic of Yugoslavia, after the establishment of the communist government in Yugoslavia, six "federal republics" were formed, one of which was Croatia. The then Yugoslavia was a *one-party* state, in which the Communist Party dominated in all spheres of life. Official Gazette FPRoY 10/1946.

45 Constitution of the People's Republic of Croatia, Official Gazette of the People's Republic of Croatia 7/1947.

46 Voter List Act, p. 3, Official Gazette 11/1945, 59/1945, 58/1946.

governmental body.<sup>47</sup> In this first election to the Croatian Constituent Assembly held on 10 November 1946,<sup>48</sup> eight women, i.e. 4.62 %, entered the Croatian Parliament.<sup>49</sup> If we look at women's representation in the Croatian Parliament, we will see that this number was decreasing from 1946 until the introduction of the "delegate system" in 1953, when it started to increase again until it reached the immediate post-war revolutionary figure.<sup>50</sup>

<b>Session of the Parliament of the People's Republic of Croatia</b>	<b>Total number of MPs</b>	<b>Men</b>	<b>Women</b>	<b>Women (in %)</b>
4 <sup>th</sup> session of the National Parliament of Croatia State Anti-Fascist Council for the National Liberation of Croatia (ZAVNOH) <sup>51</sup> (1945)	201	188	13	6.46 %
Constituent Assembly of the People's Republic of Croatia (1946)	173	165	8	4.62 %
First regular session of the Parliament of the People's Republic of Croatia (1950)	250	238	12	4.8 %

*Table 1* Gender representation in the Croatian Parliament 1945–1953<sup>52</sup>

The weak involvement of women was explained by a patriarchal understanding of the role of women in society and the family.<sup>53</sup> Thus, despite a formal declaration of equality of both sexes and general recognition that it was necessary to strengthen women's political participation, especially with respect to the contributions of women in World War II, the actual women's political representation was very small.<sup>54</sup> This particularly bothered the then Yugoslav authorities because other communist countries at the time had more women in their parliaments.<sup>55</sup> Therefore, it is clear that women's education in relation to political activity was necessary because many women had no experience in either political life and activity or public speaking.<sup>56</sup> The provisions of the Constitution of the Socialist Republic of Croatia of 1974 will reaffirm and guarantee formal equality of women and men, who are guaranteed equal rights and duties regardless of their gender (Article 229).<sup>57</sup> However, the aforementioned equality of women and men is still only declarative. Given the limit to the number of pages in this article and following

47 Bukvić, 253.

48 Katarina Spehnjak, "Funkcioniranje plebiscitarne demokracije u Hrvatskoj 1945.-1952." (1991) 23 (1-3) Časopis za suvremenu povijest, 224-230, as cited in Dijanović, 89.

49 HR, HDA, 1234, KZDAŽ, Marija Šoljan's speech held at the People's Open University on 8 March 1949, as cited in Dijanović, 89.

50 *Ibidem*, 90.

51 The State Anti-Fascist Council for the National Liberation of Croatia was then the highest legislative and executive body in Croatia. In July 1945, it changed its name to the National Parliament of Croatia.

52 Stenographic notes of the minutes of the Parliament of the People's Republic of Croatia, 4<sup>th</sup> session of the National Parliament of Croatia, Zagreb 1950, 124-126; Constituent Assembly of the People's Republic of Croatia, Zagreb 1949, 279-285; 1<sup>st</sup> regular session of the Parliament of the People's Republic of Croatia, Zagreb 1951, 101-107; 3<sup>rd</sup> session of the National Parliament of the People's Republic of Croatia (1953), Zagreb, 1956, 121-129; as cited in Dijanović, *op. cit.*, 93.

53 *Ibidem*, 94.

54 Historical sources show that a significant number of communists did not approve of their wives' political involvement. It happened that women refused such functions at their express request. Bukvić, p. 254.

55 For more details, see Dijanović, 94 *et seq.*

56 *Ibidem*, 96.

57 Constitution of the Socialist Republic of Croatia, Official Gazette SRoC 8/1974.

a brief overview of the initial proclamation of women's equality in Croatia and the first female members of the then Croatian Parliament, we will move on to more recent history, starting with the onset of the 1990s. Future scientific research may deal with the number of women who participated in parliamentary elections in the period from 1950 to 1990 in Croatia.

The question arises as to whether a 15 % increase in women's representation in the Parliament after 70 long years is devastating for Croatian society and the state or not. We believe that we can conclude that women's *underrepresentation* in Croatia has persisted until today. And this is the case at all levels of political decision-making.

## 5.2. ELECTION MODELS AND THE NUMBER OF WOMEN IN THE CROATIAN PARLIAMENT SINCE 1990

Right at the beginning of this part of the article, it must be noted that the statistical data on women's representation that will be presented and analysed refer only to the percentage of women disclosed immediately *after* the elections as official election results. These are the so-called original mandates. The reason for this is that the number of women and the ratio of women to men changes during one convocation of parliament, both in Croatia and in other parliaments. MPs are often replaced by other MPs, and it is not uncommon for parliamentary mandates to be replaced after the election due to, for example, performance of other duties that are incompatible with the exercise of parliamentary duties.<sup>58</sup>

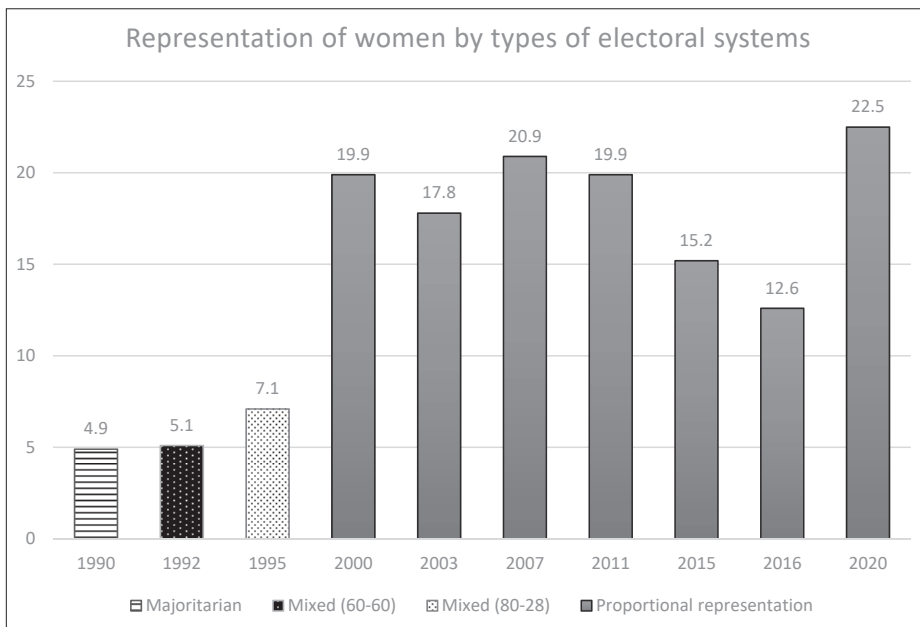
It is important to mention that Croatia is one of the rare countries that applied as many as three electoral systems in the first two decades after its formation: a) majoritarian (for the election held in 1990), b) mixed (for the elections held in 1992 and 1995), and c) proportional representation (for elections held from 2000 onwards).<sup>59</sup> Given that in the first election held after the introduction of proportional representation as an electoral system and the possibility of casting preferential votes for individual candidates, women's representation in the Croatian Parliament increased by almost 15 %, i.e. it amounted to 21.9 % in the 2000 election, it can be concluded that it was the change in the electoral system that played a key role in this process. Such a conclusion is also consistent with numerous studies showing that a proportional representation electoral system generally gives the best results for women's candidacy and election.<sup>60</sup>

58 Article 9 of the Act on the Election of Members to the Croatian Parliament provides for incompatibility of duties, suspension and termination of the parliamentary mandate, as well as replacement of MPs, Official Gazette 116/1999, 109/2000, 53/2003, 69/2003, 167/2003, 44/2006, 19/2007, 20/2009, 145/2010, 24/2011, 93/2011, 120/2011, 19/2015, 104/2015, 98/2019.

59 For more details about electoral systems in Croatia, see Robert Podolnjak, "Suвременi hrvatski izborni inženjering kao sofisticirani oblik izborne manipulacije" (2013), 63 1 Zbornik Pravnog fakulteta u Zagrebu, 155–187; Robert Podolnjak, "Hrvatsko izorno zakonodavstvo: moguće i nužne promjene", (2008) 2 Zbornik radova Pravnog fakulteta u Splitu, 305–343; Robert Podolnjak, "Utjecaj izbornog sustava na oblikovanje stranačkog sustava i Vlade u Hrvatskoj 1990–2007" (2009) 43 87 Pravnik, 41–57; Mirjana Kasapović, "Jesu li izborni sustavi sredstva dramatična utjecaja na sudbine zemalja?" (2017) 8 32 Političke analize, 17–21; Smiljko Sokol, "O izborima za Hrvatski sabor i lokalna predstavnička tijela i njihove moguće promjene te promjene izbora načelnika, gradonačelnika i župana" (2006) 54 Informator, 1–3.

60 Pippa Norris, "Women in European Legislative Elites" (1985), 8(4) West European --101, as cited in Pippa Norris: "The Impact of Electoral Reform on Women's Representation" (2006), 41 Acta Politica, 201; Mona Lena Krook: "Electoral Systems and Women's Representation" in: Erik S. Herron, Robert J. Pekkanen, Matthew S. Shugart (eds.) *The Oxford Handbook of Electoral Systems*, Oxford University Press, 2018, 176.

What was women's representation in the Croatian Parliament like during the elections held in specific electoral systems and *before* the introduction of electoral gender quotas? Since 1991, during the mixed electoral system applied in the 1992 election, women's representation was 5.1 %, and in the 1995 election, it was 7.1 %. In 1999, there was a change in electoral law, when a new Act on the Election of Members to the Croatian Parliament was passed, which introduced proportional representation as an electoral system. In addition, the Act Amending the Act on the Election of Members to the Croatian Parliament introduced preferential voting, according to which a voter can mark on the ballot one candidate who has an advantage over other candidates on the list the voter voted for (preferential vote).<sup>61</sup> In the first election held after the introduction of a proportional representation electoral system and the possibility of casting a preferential vote for one candidate (in 2000), women's representation in the Croatian Parliament increased by almost 13 %, and in the 2000 election, it was 19.9 %. According to the official data of the Central Bureau of Statistics, there were 23.6 % of women candidates in the aforementioned election. Furthermore, in the 2003 election, 25.1 % of women were candidates, and 17.8 % were elected, while in the 2007 election, there were 29.8 % of women candidates, and 20.9 % were elected. In this period, the electoral system changed from mixed (the last election held in 1995), which recorded an extremely low number of women in the Croatian Parliament, to proportional representation (the first election held in 2000), which led to a significant increase in the number of women in the Croatian Parliament. The above data confirm the conclusion that the *type* of electoral system is an important political element that significantly affects women's representation in parliaments.

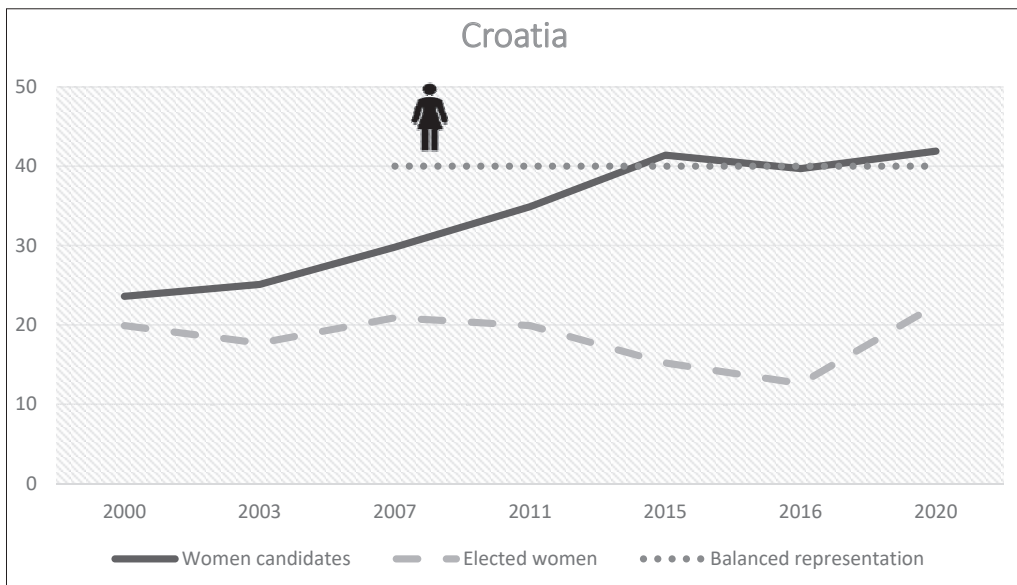


**Graph 1.** Representation of women in the Croatian Parliament by types of electoral systems in Croatia.

61 Decision Promulgating the Act Amending the Act on the Election of Members to the Croatian Parliament of 17 February 2015, Official Gazette 19/2015.



After the introduction of electoral gender quotas in the Gender Equality Act (2008), the first election was held in 2011, with 34.9 % of women candidates and 19.9 % of them who were elected. Then, in the next election held in 2015, there were 41.4 % of women candidates, and 15.2 % were elected. In the 2016 election, there were 39.7 % of women candidates and 12.6 % were elected, while in the election held in 2020, there were 41.9 % of women candidates, 22.5 % were elected. So, instead of an increase in the number of elected women, given that numerous political preconditions existed, including the Gender Equality Act (2008) and electoral gender quotas were prescribed, the number of women fell in three electoral cycles in a row after the introduction of quotas. From this it is obvious that there is a kind of “error in the system”, i.e. that the effect of quotas is nullified by ineffective legal provisions.



**Graph 2.** Women candidates and elected women in the elections of members to the Croatian Parliament during the proportional representation electoral system (in %)

What is the reason for low representation of women in parliaments? According to some scientists, one should be patient because electoral gender quotas cannot yield good results immediately, so they suggest that one should wait at least 10 to 15 years,<sup>62</sup> that is, they could be achieved only after the third electoral cycle. The third electoral cycle since the introduction of electoral gender quotas by the Gender Equality Act (2008) in Croatia was the one in 2016, although those elections were extraordinary. To everyone’s surprise, it was this cycle that produced the worst results in terms of women’s representation in the Croatian Parliament in the entire period analysed. A high percentage of women candidates on the election lists did not help either. This anomaly occurred because women were placed at the very bottom of the electoral lists, i.e. as the last candidates on the list, so they did not even have the opportunity to be elected to the representative body. They managed to get their seat in the Parliament only

62 Miki Caul, “Women’s Representation in Parliament. The Role of Political Parties”, (1999) 5 1 Party Politics, 89.

if it was necessary to rotate MPs during the mandate, which actually means that they were “reserve players”.

Who is responsible for this situation? Lulić and Tucak believe that the conservative Croatian society and the unwillingness of authorities to encourage changes should not take all the blame for the underdevelopment of women’s political rights. It is also the women’s lack of interest in informing and empowering at all levels that needs to be taken into consideration in this context.<sup>63</sup> Also, Lulić and Tucak agree with the authors who believe that Croatian women continue to face numerous prejudices and stereotypes and are almost invisible at a high political level.<sup>64</sup> Unfortunately, women in Croatia are still reluctant to get involved in electoral processes.<sup>65</sup> In order to accomplish equality, women need to be systematically and thoroughly informed and educated at all levels, starting from the local community and ending with the Croatian Parliament and the highest state posts.<sup>66</sup> However, this time the authors did not go into a more detailed analysis of the reasons *why* women are not sufficiently ambitious and motivated for high politics.

Despite numerous regulations and a significant institutional framework, achieving gender-balanced representation in this way depends solely on the political will of the proposers of electoral lists.

## 6. CONCLUSION

As already seen, the existing legislation and measures in Croatia, which prescribe only electoral gender quotas of 40 % for each gender on the electoral list and mild penalties for electoral list proponents if the quota is not applied, have proven to be ineffective when it comes to enhancing women’s representation. Until the 2020 parliamentary election, Croatia was at the very bottom in terms of women’s representation in parliaments. More precisely, in the year before the 2020 parliamentary election, i.e. on 31 January 2020, Croatia ranked 25<sup>th</sup> out of 27 European Union member states.<sup>67</sup>

The situation with the overall ranking has changed a bit after the last parliamentary election in Croatia held in 2020, and with 22.5 % of elected women, Croatia ranked 19<sup>th</sup> in the European Union.<sup>68</sup> Still too low. It follows from this that the situation regarding women’s participation in the Croatian Parliament is still far from the desired goal of gender balance. At the time of writing this article, i.e. in November 2023, surprisingly, there were 34 % of women in

63 Mira Lulić, Ivana Tucak, “Women and Politics: The Ineffectiveness of Electoral Gender Quotas for Parliamentary Elections in the Republic of Croatia”, (GEM International Multidisciplinary Scientific Conferences on Social Sciences and Arts, 2017), 317.

64 *Ibidem*.

65 *Ibidem*.

66 *Ibidem*.

67 Inter-Parliamentary Union data published for 1 November 2023, Women in parliaments, global and regional averages, available at: <<https://data.ipu.org/women-ranking?month=1&year=2020/>>.

68 Ombudsperson for Gender Equality, Gender Analysis of the 2020 Parliamentary Election, available at: <[https://www.prs.hr/attachments/article/2944/Rodna%20analiza%20parlamentarnih%20izbora%202020.%20\(PRS\).pdf/](https://www.prs.hr/attachments/article/2944/Rodna%20analiza%20parlamentarnih%20izbora%202020.%20(PRS).pdf/)>.

the Croatian Parliament,<sup>69</sup> but the reader should not be misled by this information. Namely, this percentage increased *solely* due to personnel rotations in political parties, so the situation seems to be somewhat better than what it was at the time the official results of the last parliamentary election were published, when only the original mandates won in the election were counted. Of course, this percentage can change again with a new rotation tomorrow.

The authors are aware of the weaknesses of electoral gender quotas, as noted previously. However, at this level of development of law and society, we do not see a more effective system for increasing women's representation in parliaments of the vast majority of countries than the concept of electoral gender quotas. In order to achieve the goal for which electoral gender quotas are introduced, which is balanced representation of both sexes in parliament, it is necessary to carefully implement these quotas in the political system, i.e. in regulations, assuming the existence of a high-quality institutional framework in the country. It is especially important to study and apply the examples of good practice from other countries, similar legal and political systems and societies, which is a research topic for a special scientific article. What seems clear is that in order for electoral gender quotas to be successful and to increase women's the representation in parliament, it is necessary to ensure, in addition to the prescribed minimum percentage of representatives, that women are not placed at the bottom of the party lists, which seats it is known for certain that they will not get seats in the parliament except through preferential voting or more importantly, that women alternate with men on the lists using the *zipper* system. Finally, severe penalties must exist for non-compliance, either by introducing (high) fines or cancelling specific party lists (and thus the possibility of participating in the election). Given that the Constitutional Court has already decided that when it comes to the election of representatives to the Croatian Parliament, multi-party democracy must prevail over the constitutional principle of gender equality, the challenge will be to confront those two constitutional principles again in the analysis of proportionality and to prove that the newly proposed legal measures do not suppress promotion and protection of multi-party political democracy.

Sensitising political parties and actors on the political scene, as well as the wider public, is also extremely important for solving the problem of women's underrepresentation in parliaments and the effectiveness of electoral gender quotas.

In the long term, for a more serious increase in the number of women in the Croatian Parliament, it would be necessary to thoroughly revise the existing regulations and ensure their compliance.

Since three important elections will be held in Croatia in 2024 (i.e. European, parliamentary and presidential elections), it is the right moment for the national competent authorities, as well as political actors, to become aware of the importance of active participation of women, *inter alia*, in the Croatian Parliament. It is precisely because of such almost devastating data showing that we are at the bottom of the scale in terms of women's representation in parliament that this article was written just before the upcoming elections that are very important for Croatia as a message, first of all, to all political actors, about the need to respect equality between women and men, promotion of women's political rights and consistent application of Croatia's positive regulations.

69 The official website of the Croatian Parliament, available at: <<https://www.sabor.hr/hr/zastupnici/statisticki-pokazatelji/>>.

## BOOKS AND ARTICLES

1. Bacchi C, Electoral quotas: Arguing for and against quotas: theoretical issues, *Women, Quotas and Politics*, in Dahlerup D (ed.), *Women, Quotas and Politics* (Routledge, 2006), Dahlerup (ed.), (Routledge, 2006), 32–53
2. Barbarska O, Political Party Strategies for Increased Representation of Women in Political Decision-Making in the EU Member States and Poland, *Yearbook of Polish European Studies*, 6, (University of Warsaw 2002), 133–152
3. Bukvić N, *Sabor Narodne Republike Hrvatske: Organizacija i djelovanje (1945.–1953.)*, PhD thesis, Hrvatski studiji, Sveučilište u Zagrebu, 2017
4. Burnet J E: Women have found respect: gender quota, symbolic representation, and female empowerment in Rwanda, *Politics & Gender* 7, 2011, 303–334
5. Bystydzienski J M, *Women in electoral politics, Lessons from Norway*, (Praeger, 1995)
6. Caul M, Women's representation in Parliament. The Role of Political Parties, *Party Politics*, Vol. 5, No. 1, 1999, 79–98
7. Childs S, Webb P, *Sex, Gender and Conservative Party*, (Palgrave Macmillan, 2012), 140
8. Chinkin C, Temporary special measures, Gender and Economic, Social, and Cultural Rights, *Economic, Social and Cultural Rights in International Law*, (Oxford University Press, 2014), 134–162
9. Christensen S, Bardall G, Gender Quotas in Single-Member District Electoral Systems, *Politics, Groups and Identities*, Vol. 4, Issue 2, 2016, 246–267
10. Dahlerup D, Freidenvall L, Judging Gender Quotas: prediction and results, *The Policy and Politics*, Vol 38(3), 2010, 407–425
11. Dahlerup D, Hilal Z, Kalandadze N, Kandawasvika-Nhunduru R, *Atlas of Electoral Gender Quotas*, (International Institute for Democracy and Electoral Assistance, 2014)
12. Dahlerup D, Leyenaar M, *Breaking Male Dominance in Old Democracies*, (Oxford University Press, 2013)
13. Dijanić D, *Društveno-kulturalni aspekti položaja žena: Antifašistička fronta žena (1945. –1953.)*, PhD thesis, Hrvatski studiji, Sveučilište u Zagrebu, 2015
14. Dahlerup D (ed.), *Women, Quotas and Politics* (Routledge, 2006)
15. Dahlerup D, Leyenaar M (eds.), *Breaking Male Dominance in Old Democracies* (Oxford University Press, 2013)
16. Dahlerup D, Increasing Women's Political Representation: New Trends in Gender Quotas', in: *Women in Parliament: Beyond Numbers*, International IDEA, Stockholm, 2005, 141–153
17. Dahlerup D, Freidenvall L, Quotas as a „Fast Track“ to Equal Political Representation for Women, Why Scandinavia is no longer the model, in: Krook M L, Childs S: *Women, Gender, and Politics*, (Oxford University Press, 2010), 175–183
18. Franceschet S, Krook M L, Piscopo J M, Gender Quotas and Women's Substantive Representation: Lessons from Argentina, *Politics and Gender*, Volume 4, Issue 3, 2008, 393–425
19. Franceschet S, Krook M L, Piscopo J P (eds.), *The Impact of Gender Quotas*, (Oxford University Press, 2012), 3–26
20. Frechette G R, Maniquet F, Morelli M, Incumbents' Interests and Gender Quotas, *American Journal of Political Science*, 52, 4, 2008, 891–909
21. Herron E S, Pekkanen R J, Shugart M S (eds.) *The Oxford Handbook of Electoral Systems*, (Oxford University Press, 2018)

22. Hoodfar H, Tajali M, *Electoral Politics, Making Quotas Work For Women*, (Women living under muslim laws, 2011), 49–53
23. Horvat Vuković A, *Pravno uređenje pozitivne diskriminacije kroz poseban osvrt na primjer Indije*, PhD thesis, Pravni fakultet Sveučilišta u Zagrebu, 2013
24. Kasapović M, Jesu li izborni sustavi sredstva dramatična utjecaja na sudbine zemalja?, *Političke analize*, Vol. 8, No. 32, 2017, 17–21
25. Krook M L, Lovenduski J, Squires J, Gender Quotas and Models of Political Citizenship, *British Journal of Political Science*, Vol. 39, (Cambridge University Press, 2009), 781–803
26. Krook M L, Zetterberg P, *Gender Quotas and Women's Representation*, (Routledge, 2016)
27. Krook M L, Electoral Systems and Women's Representation, in Herron E S, Pekkanen R J, Shugart M S (eds.), *The Oxford Handbook of Electoral Systems*, (Oxford University Press, 2018), 175–191
28. Krook M L, Gender Quotas, Norms and Politics, Critical Perspectives on Gender and Politics, in: *Politics & Gender*, 2, (Cambridge University Press, 2006), 110–118
29. Lepinard E, For Women Only? Gender Quotas and Intersectionality in France, *Politics & Gender*, 9, 2013, 276–298
30. Lulić M, Tucak I, Women and Politics: The Ineffectiveness of Electoral Gender Quotas for Parliamentary Elections in the Republic of Croatia, GEM International Multidisciplinary Scientific Conferences on Social Sciences and Arts, 2017, 307–320
31. Matland R E, Electoral quotas: Frequency and effectiveness, Women, Quotas and Politics, in Drude Dahlerup (ed.), *Women, Quotas and Politics* (Routledge, 2006), 275–292
32. Nacevska E, Lokar S, The Effectiveness of Gender Quotas in Macedonia, Serbia and Croatia, *Teorija in Praksa*, 2/2017, 394–412
33. Norris P: The Impact of Electoral Reform on Women's Representation, *Acta Politica*, 41, 2006, 197–213
34. Ograjšek I, Zastupljenost ženskog pitanja u hrvatskim glasilima na kraju 19. st., Radovi – Zavod za hrvatsku povijest, Vol. 34–36, Filozofski fakultet Sveučilišta u Zagrebu, 2004, 89–100
35. Onishi K, *Electoral Gender Quotas and Women's Representation in Developing Countries: When and How Do Quotas Work?*, (Indiana University, 2017)
36. Podolnjak R, Suvremeni hrvatski izborni inženjering kao sofisticirani oblik izborne manipulacije, *Zbornik Pravnog fakulteta u Zagrebu*, Vol. 63, No. 1, 2013, 155–187
37. Podolnjak R, Hrvatsko izorno zakonodavstvo: moguće i nužne promjene, *Zbornik radova Pravnog fakulteta u Splitu*, No. 2, 2008, 305–343
38. Podolnjak, R, Utjecaj izbornog sustava na oblikovanje stranačkog sustava i Vlade u Republici Hrvatskoj 1990–2007, *Pravnik, Udruga Pravnika*, Vol. 43, No. 87, 2009, 41–57
39. Rupčić D, Značenje pojma rod i njegova primjena u hrvatskom pravnom poretku, (2018) 53(2) *Crkva u svijetu*, 169–195
40. Sokol S, O izborima za Hrvatski sabor i lokalna predstavnička tijela i njihove moguće promjene te promjene izbora načelnika, gradonačelnika i župana, *Informator*, 2006
41. Sklevicky L, *Organizirana djelatnost žena Hrvatske za vrijeme narodnooslobodilačke borbe 1941. – 1945.*, Institut za historiju radničkog pokreta Zagreb, SFRJ, 1984
42. Šinko M, Političke stranke i regrutacija žena u parlamente: primjena kvota u zemljama Europske unije, *Politička misao*, br. 4, 2006, 47–68
43. Tremblay M, *Women and Legislative Representation, Electoral Systems, Political Parties and Sex Quotas* (Palgrave Macmillan, 2008)

44. Van C, Rachel A., Luogo e Spazio, Place and Space: Gender Quotas and Democracy in Italy, *University of Baltimore Law Review*, Vol. 42, 2017, 329–363

## LEGAL TEXTS

### *International treaties*

1. Convention on the Political Rights of Women, (Official Gazette FPRoY, International treaties and other agreements 7/1954, RoC is a party to that Convention on the basis of the Decision on the publication of multilateral international treaties to which the Republic of Croatia is a party on the basis of succession notifications, Official Gazette – International agreements 12/1993)
2. International Covenant on Civil and Political Rights, (Official Gazette 7/1971, RoC is a party to that Pact on the basis of the Decision on the publication of multilateral international treaties to which the Republic of Croatia is a party on the basis of succession notifications, Official Gazette – International agreements 12/1993)
3. Convention on the Elimination of All Forms of Discrimination against Women, (Official Gazette SFRoY – International agreements 11/1981, RoC is a party to this Convention on the basis of the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party on the Basis of Succession Notifications, Official Gazette – International agreements 12/1993)
4. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, (Official Gazette – International agreements 3/2001 and 4/2001)
5. Council of Europe Convention on preventing and combating violence against women and domestic violence, (Official Gazette – International agreements 3/2018)

### *Croatian legal regulations*

1. Constitution of the Federal People's Republic of Yugoslavia, (Official Gazette FPRoY 10/1946)
2. Constitution of the People's Republic of Croatia, (Official Gazette PRoC 7/1947)
3. Voter List Act (Official Gazette 11/1945, 59/1945, 58/1946)
4. Constitution of the Socialist Republic of Croatia (consolidated text), (Official Gazette SRoC 8/1974)
5. Gender Equality Act, (Official Gazette 82/2008, 69/2017)
6. Act on the Election of Members to the Croatian Parliament, (Official Gazette 116/1999, 109/2000, 53/2003, 69/2003, 167/2003, 44/2006, 19/2007, 20/2009, 145/2010, 24/2011, 93/2011, 120/2011, 19/2015, 104/2015, 98/2019)
7. Act Amending the Act on the Election of Members to the Croatian Parliament, (Official Gazette 19/2015)
8. Anti-Discrimination Act, (Official Gazette 85/2008, 112/2012)
9. Act on the Financing of Political Activities, Election Campaigns and Referendums, (Official Gazette 29/2019, 98/2019)
10. Act on the Election of Members to the European Parliament from the Republic of Croatia, (Official Gazette 92/2010, 23/2013, 143/2013)
11. Local Elections Act, (Official Gazette 144/2012, 121/2016, 98/2019, 42/2020, 144/2020, 37/2021)
12. State Registries Act, (Official Gazette 96/1993, 76/2013, 98/2019, 133/2022)

13. Criminal Code, (Official Gazette 125/2011, 144/2012, 56/2015, 61/2015, 101/2017, 118/2018, 126/2019, 84/2021, 114/2022, 114/2023)
14. Act on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence, (Official Gazette 3/2018)

### *Other regulations and measures*

1. Rulebook on the method of collecting medical documentation and determining the conditions and assumptions for changing gender or living in a different gender identity (Official Gazette 96/1993, 76/2013, 98/2019, 133/2022)
2. Decision Promulgating the Act Amending the Act on the Election of Members to the Croatian Parliament of February 17, 2015 (Official Gazette 19/2015)
3. National Policy for the Promotion of Gender Equality with the implementation programme of the National Policy for the Promotion of Gender Equality in the Republic of Croatia from 2001 to 2005 (Official Gazette 112/2001)
4. National Policy for the Promotion of Gender Equality for the period 2006–2010 (Official Gazette 114/2006)
5. National Policy for the Promotion of Gender Equality for the period 2011–2015 (Official Gazette 88/2011)
6. National Plan for Gender Equality for the period until 2027 and Action Plan for the implementation of the National Plan for the period until 2024 (Official Gazette 28/2023)

### *Case law*

1. Decision and Ruling of the Constitutional Court of the Republic of Croatia, U-I-1397/2015, 24 September 2015 (Official Gazette 104/2015)

### *Internet sources*

1. Report on the work of the Ombudsperson for Gender Equality for 2022, <[https://www.prs.hr/application/uploads/Izvje%C5%A1%C4%87e\\_o\\_radu\\_PRS\\_u\\_2022\\_cjelo.pdf153](https://www.prs.hr/application/uploads/Izvje%C5%A1%C4%87e_o_radu_PRS_u_2022_cjelo.pdf153)> accessed 2 December 2023
2. Press release of the State Attorney's Office of the Republic of Croatia (State Attorney's Office of the Republic of Croatia) <<https://dorh.hr/hr/priopcenja/ne-postoji-zakonski-osnov-za-pokretanje-prekrsajnih-postupaka-protiv-predlagatelja>> accessed 1 December 2023
3. Warning of the Constitutional Court of the Republic of Croatia (Constitutional Court of the Republic of Croatia) <[https://www.usud.hr/sites/default/files/priopcenja-obavijesti/Upozorenje\\_USRH-a\\_DORH-u\\_-\\_Spolna\\_kvota\\_na\\_izborima\\_-\\_na\\_znanje\\_sredstvima\\_javnog\\_priopcavanja.pdf](https://www.usud.hr/sites/default/files/priopcenja-obavijesti/Upozorenje_USRH-a_DORH-u_-_Spolna_kvota_na_izborima_-_na_znanje_sredstvima_javnog_priopcavanja.pdf)> accessed 3 December 2023
4. Women and men in Croatia 2022, (Bureau of Statistics) <[https://podaci.dzs.hr/media/04pff1do/women\\_and\\_man\\_2022.pdf](https://podaci.dzs.hr/media/04pff1do/women_and_man_2022.pdf)> accessed 22 November 2023
5. Croatian Parliament, <https://www.sabor.hr/hr/zastupnici/statisticki-pokazatelji>, accessed 29 November 2023
6. Women in parliaments, global and regional averages, Inter-Parliamentary Union, <<https://data.ipu.org/women-ranking?month=11&year=2023>> accessed 18 November 2023

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## PODZASTUPLJENOST ŽENA U SABORU NAKON UVOĐENJA IZBORNIH RODNIH KVOTA: LEKCIJE IZ HRVATSKE

### Sažetak

U radu se proučava pravno pitanje političke (pod)zastupljenosti žena u Hrvatskom saboru od osamostaljenja Republike Hrvatske do danas, s posebnim osvrtom na neučinkovitost izbornih spolnih kvota kao pozitivne mjere za povećanje broja žena u parlamentu. Naime, Hrvatska je jedina država u Europskoj uniji koja je zakonom uvela izborne spolne kvote, nakon čega bilježi ozbiljno smanjenje broja žena u parlamentu. Zakonom o ravnopravnosti spolova iz 2008. i Zakonom o izborima zastupnika u Hrvatski sabor (izmjene i dopune iz 2015.) propisane su kvote od 40 % za svaki spol. No, ne samo da te kvote nisu postigle očekivani rezultat, već se neočekivano broj parlamentarki u Hrvatskoj nakon njihova uvođenja čak smanjio. Za svaku suvremenu pravnu državu i demokratsko društvo vrlo je važno razumjeti kako funkcioniraju izborne spolne kvote i kako one mogu pozitivno utjecati na zastupljenost žena u političkom odlučivanju. Treba voditi računa o tome koja zakonodavna rješenja i političke aktivnosti treba poduzeti kako bi se povećao broj žena u parlamentima.

Rad se na početku bavi definicijskim i terminološkim izazovima vezanim uz temeljne pojmove, a potom se daje pregled i analiza pozitivnih pravnih propisa o izbornim kvotama spolova i ravnopravnosti u pravnom sustavu Hrvatske. Nadalje, u članku se analizira broj žena u Hrvatskom saboru kroz sve dosadašnje parlamentarne izbore od osamostaljenja države do danas. Zaključno, predlaže se temeljito i učinkovito redefiniranje i redizajn postojećih rješenja izbornih kvota prema spolu, zalažući se za konkretne mjere i aktivnosti usmjerene na povećanje broja saborskih zastupnica u Hrvatskom saboru. Iako su se ovom temom istraživanja u hrvatskoj akademskoj zajednici pretežno bavili politolozi, ona je i pravna materija. S obzirom na nedostatak istraživanja u području prava, ovaj rad ima za cilj otkloniti tu prazninu u pravnoj znanosti. Uz korištenje standardnih znanstvenih metoda uobičajenih u znanstvenom području prava, u istraživanju se koriste i kvantitativne znanstvene metode.

*Ključne riječi: izborne spolne kvote, žene u parlamentu, politička prava žena, prava žena u Republici Hrvatskoj*



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