

# APPENDIX H

## Quotas as a Gender Equity Measure

### The Female Quota System in Politics

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Women's participation in politics, reflected in their representation in Parliaments, is one of the main indicators of a society's degree of political and democratic development. Worldwide in 2009, women held only 18.6% of seats in national Parliaments on average, even though they account for half of the world's population. Demographic equality with men is not observed in any area related to power, whether social, economic, or political, where women are underrepresented or even totally absent. Historically excluded from the res publica, or politics, women have had to demand the right to participate and invent strategies to be able to take part in public debate and play a role on the political scene.

The rate of women members of Parliament exceeds 30% in 22 countries, but lies between 0 and 3% in 17. Regional averages put Scandinavian countries in the lead with 42.5% and Arab states in last place, with women making up only 9% of their Parliaments. This study focuses specifically on female representation in politics and on the importance of implementing quotas for women to achieve greater balance and establish true democracies.

The study will first attempt to define the concept of quotas and place them in the context of international conventions. It will then offer some thoughts about the impact and perception of quotas as a means of achieving parity, and conclude with some examples of constructive measures and policies adopted in different regions of the world to increase the number of women in politics.

## I. Definition of Quotas

### A. What is a Quota?

#### Definition

A quota is a numerical goal that represents a target minimum or maximum. In politics, gender quotas set a minimum threshold for female representation. Quotas are a solution to the historical problem of underrepresentation of women in politics related to a variety of traditional, socio-cultural, religious, and other reasons.

Thus, the goal of female quotas is to set the minimum ratio of women in an elected, appointed or nominated body. The use of a quota system helps increase female representation in politics by guaranteeing women a critical minority of 20, 30 or 40% of the candidate slate or seats held, with the ultimate goal being parity between men and women. There is a whole range of different quotas depending on the body to which they are being applied, the type of voting system in place, whether they are applied at the local or national level, and also whether they are mandatory or voluntary.

#### Quota typology

Quota systems can look different depending on each country's political and electoral system and its socio-cultural realities, as well as the degree of political awareness. There are two main types of quota systems: quotas imposed by the state at the constitutional or legislative level, and voluntary quotas freely chosen and adopted by the political parties.

**Mandatory quotas:** the state chooses the type of quota best suited to its institutions, with the goal of achieving gender parity under the best possible conditions. Quotas can be mandated through various legislative instruments: they can be constitutional, involving an amendment to the country's constitution, or legislative if they are implemented through a law. This type of obligatory quota is quite common in Latin America. The advantage of imposing quotas is that they apply equally to all political parties within a country, and there are legal sanctions for non-compliance. Different countries adopt them at the local, regional, national or federal level—with more or less success—depending on their political or electoral system.

**Voluntary quotas** are freely chosen and adopted by one or more political parties, which formally establish a certain quota in their bylaws, policies, and procedures, or operating rules. Parties are motivated to take positive steps to promote women for a variety of reasons, from the most patronage-oriented to the most ideological. These include attracting women voters, true political conscience, the simple quest for more equal representation, or a true desire to establish parity and consequently, to restore true democracy. Unlike mandatory quotas, voluntary quotas are not subject to any systematic penalty for non-compliance. In this case, pressure within the party and voter criticism are the only mechanisms observed.

These two systems are not mutually exclusive and can readily coexist, in which case it could be assumed that parity would be achieved more quickly and easily.

In addition, quotas—whether mandatory or voluntary—can have different variations depending on whether they are intended to be permanent or temporary. Some countries or political parties apply quotas for a limited period of time, like a medical treatment. The quotas lapse when a certain level of female representation is reached and when the obstacles and barriers to the presence of women in decision-making bodies have disappeared. However, care must be taken not to lift the quotas prematurely. In Bangladesh, the number of female representatives fell from nearly 10% to 2% in just one election in 2000, when the temporary provisions for quotas had expired. This example illustrates the importance of carefully studying the duration of quotas. The third section of this study will examine the case of Egypt and how withdrawing the quotas affected women’s participation in politics.

Quotas can also take different forms depending on whether they apply to volunteer or candidate lists or to elected seats, and once again, there can be a combination of all three levels. Some countries, such as Argentina and Belgium, have implemented a dual quota system to ensure both minimum representation of women and a certain number of seats or spaces reserved for women at every level of government and every level of the ballot. This prevents women from being relegated to the bottom of the candidate list, where they have little chance of being elected.

In the logic of egalitarian democracy, it also seems important to provide safeguards by setting gender-neutral quotas that correct the problem of underrepresentation of both women and men, if applicable. This is achieved by establishing a minimum threshold for each gender, which ensures that each sex would have a minimum quota of, for example, 40% and a majority not exceeding 60%. This type of quota is totally egalitarian because it sets the same limits for men and women, while ensuring true and effective representation. By definition, a 50-50 quota system would be egalitarian and neutral and have the advantage of limiting both female and male representation, which a simple minimum quota cannot do. However, this raises the following question: Would democracy be respected in this case?

The legal foundations for affirmative action in general, and quotas in particular, are based on international legal instruments that are universal or regional in nature and will be discussed below.

## **B. Quotas and International Law**

The first international instruments that served as the basis for establishing the quota system are the 1948 Universal Declaration of Human Rights and the 1976 International Covenant on Civil and Political Rights, which laid the groundwork by explicitly stating that all humans are equal and by giving them the same rights. However, the notion of “universal” was muddled by the fact that the documents use only masculine references. “What a strange kind of universality, that forgets half of humanity!” exclaimed feminist Maria Deraismes. Hence the need to propose new conventions specifically aimed at protecting women.

This was accomplished with the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), augmented by its Optional Protocol. This text revisits the principle of gender equality, giving it full meaning this time, especially in the political domain since the Convention calls for absolute equality in voting rights and candidacy. Articles 3 and 7 recommend adoption of “all appropriate measures, including legislation...to eliminate discrimination against women in the political and public life of the country....” However, CEDAW’s failure to stipulate the means for achieving this, or to provide legal mechanisms binding on the countries, reduces the effectiveness of its provisions. CEDAW also makes no mention of parity.

One-hundred and eighty-five states, or over 90% of UN members, are currently parties to CEDAW—making this an almost universal convention. Still, it is important to qualify this large number of signatures by noting how the Convention is actually being implemented. In reality, the strong reservations expressed by some of the latest signatories (Algeria 1996, Bahrain 2002, Kuwait 1994, Lebanon 1997, Pakistan, and Saudi Arabia 2000), coupled with the fact that some countries have only partially incorporated CEDAW into their national legislation, with many of them preserving discriminatory laws in the name of religious beliefs or cultural traditions, mean that ratification is something of a moot point. This shows these countries’ lack of true political will to enforce egalitarian principles. Rare are the new signatories who have expressed no reservations. South Africa and Mozambique alone can be congratulated in this respect. It must be noted that in the absence of binding principles and sanctions for the countries’ failure to incorporate CEDAW into their own law, the Convention is being implemented only partially. It is therefore up to international organizations and civil society to apply pressure on the governments to remind them of their international commitments.

In 1995, the Fourth World Conference on Women in Beijing put forth the concept of equal access to power structures and decision-making bodies for men and women. The Declaration adopted by consensus called on the governments of the 189 attending countries to take all necessary measures to implement the Platform for Action from a gender viewpoint. States are required to set goals and to take positive steps to adopt measures that would substantially increase the number of women in politics. Thus, quotas are clearly recommended at the international level for the first time. Beijing suggests implementing measures to achieve a 33% rate of women in decision-making positions and positions of power and, yielding to pressure from NGOs, the final declaration talks about putting men and women on equal footing.

It must be noted that regional declarations of human rights, such as the three Islamic declarations on human rights—the Universal Islamic Declaration of Human Rights (UIDHR, 1981), the Cairo Declaration of Human Rights in Islam (CDHRI, 1990), and the Arab Charter on Human Rights (ACHR, 1994)—and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (adopted in Maputo in 2003 by the Assembly of Heads of State and Government) reiterate all three of the fundamental principles of freedom, equality, and brotherhood from Article 1 of the Universal Declaration of Human

Rights (UDHR) (Articles 2 and 3 of the UIDHR, Articles 1 and 19 of the CDHRI, Article 2 of the ACHR). They also proclaim the absence of discrimination, but this is not absolute (Article 2 of the UDHR, Article 3 of the UIDHR, Articles 1 and 19 of the CDHRI, Article 2 of the ACHR). Article 9 of the Maputo Protocol creates an obligation to achieve gender parity in the political life of the signatory countries through positive and legislative action, but does not prescribe any binding measures.

In September 2000, in the context of its Millennium Declaration, the United Nations General Assembly adopted eight Millennium Development Goals (MDGs). The third goal endorses the promotion of gender equality in education, work, and social and political participation so as to empower women. The MDGs also track progress in women's ability to participate in public decision-making processes on an equal footing with men. The MDGs set 2015 as the deadline for achieving the goals. They were adopted by 191 countries, of which 147 were represented by their head of state or government.

## II. Some Thoughts on Quotas

### A. The Ideological Debate

Demands for gender equality that emerged in Western countries at the end of the 19th century sparked debates based on different ideological schools of thought championed by the feminist, intellectual, philosophical, and literary movements. More recently, legal and philosophical arguments have been revived by quota proponents and opponents around the world. These arguments hinge on the opposing notions of the universalism of individuals and the differentialism of communities.

#### 1. Universalism Versus Differentialism

Elisabeth Badinter, a French philosopher attracted in the 1960s by Simone de Beauvoir's feminist theory developed in *The Second Sex*, opposed quotas for women in politics, along with some of her female colleagues. She based her anti-quota argument on the republican universalism theory, which espouses the idea of the universal nature of humanity. According to Ms. Badinter and the proponents of this theory, humanity is universally sexual. So there is no reason to favor women by adopting affirmative action measures, which would not ensure more rapid progress or speed up change, but—on the contrary—would put women at risk of a serious setback. In the long run, women's competence would be doubted as they would be suspected of having been selected for a particular job merely because they were women.

But above all, affirmative action would restrict women to one category. Repeating the arguments of American conservatives who oppose the affirmative action and preferential treatment that various minorities enjoy in the U.S. social domain, Elisabeth Badinter warns against the possible drift into categories, causing quotas to have a separationist effect and resulting in a society facing the threat of a

thousand “ghettos.” She believes that legally recognizing discrimination would amount to reinforcing and legitimizing it.

In reply to this argument, authors who advocate parity, such as Sylviane Agacinski, retort that this fear is ungrounded because the universal difference between the sexes constitutes neither a category nor a minority (unlike belonging to a particular race, religion or social category in a given society, women are in all of these categories but do not constitute one). The sexual dichotomy results from the original, universal division of the world into two equivalent, immutable parts; it is the universal coexistence of the two sexes that makes up human race. Far from being a separate category, females are just as much a component of humanity as males. So in order to define the human referent, the subject of law, it is necessary to take into account the co-activity and co-responsibility of both sexes, i.e., parity, which really means the wealth of differences within equality. Consequently, this “equal duality” is the basis for national sovereignty, and democracy without equal reciprocity is not possible.

Gender difference is an argument often advanced to justify the use of quotas to “feminize” political bodies with the experience, culture, and sensitivity of women. Opponents of quotas reply that this differentialism is based solely on essentialist naiveties and that it leads instead to a society divided into minorities. “Nevertheless, American women gained the right to vote a generation before French women by emphasizing women’s unique qualities, and thereby demonstrated the political effectiveness of differentialism,” explains Pierre Rosanvallon, a historian and professor at Collège de France, in “La démocratie inachevée” [Unfinished Democracy].

Finally, authors who support quotas note the contradiction of defenders of republican universalism who wax indignant about the underrepresentation of women while considering the individual in the abstract.

## **2. Critical Observations Concerning Quotas**

Quotas are frequently criticized on the basis of relatively accurate observations made after their adoption. For example, the uselessness of quotas that do not increase women’s participation in politics and the counter-productivity of quotas are mentioned. According to these arguments, women who are elected or appointed through the quota process might not have the necessary expertise; and women who are appointed might be “placed” by their family, spouse, community, etc., and would not be driven by any real political will. Thus women would be appointed to losing districts so as to give a very poor idea of women’s success in politics; or they would find themselves being given only the least important portfolios and would be relegated to sectors related to family or social life. All of this would tend to discourage women and therefore be counterproductive. In this case, affirmative action would work against the person experiencing discrimination. Quotas would prove to be not only ineffective but also counter to women’s best interests. It is therefore essential to consider the risk that quotas can represent if they are not accompanied by the necessary precautions for avoiding the pitfalls mentioned above.

## B. An Attempt at Consensus: Yes to Quotas, But Only With Certain Conditions

From a philosophical point of view, the quota system can perhaps be interpreted as being contrary to democratic principles, in that it artificially forces the exercise of democracy, although the final goal is to create a true democracy. From a legal and political standpoint, it can be argued that adopting quotas is an admission that the principles of gender equality and democracy are not being followed. Thus, the quota system serves as a tool to promote a democracy that is based on the principle of gender equality as defined by international conventions, albeit a shaky and incomplete democracy. From a social perspective, the existing roles need to be changed. Society's entire traditional perception of the worth associated with men's experience and actions must be re-examined to include women and to recognize their political actions. This may be especially difficult in traditionally patriarchal societies. It is therefore important to show that the goal is not to deprive men of power, but rather to establish the rules of power-sharing among all the citizens of a democratic society.

What is the right approach? Should quotas be established in an attempt to achieve a high level of female representation, but at the risk of violating democratic principles through affirmative action practices; or should democracy, in its original sense, be allowed to freely take its course (provided that the freedom to do so is total and genuine)? Over the very long term—too long, namely a minimum of several generations—this would tend to produce the same result. There is no ideal solution, but it seems possible to propose some suggestions that follow both approaches.

The decision to use quotas must be the result of an in-depth analysis of the political institutions, constitution, and election laws at the country's federal, national, regional, and local levels, in order to determine which type of quota would be the most appropriate, and at which level, for which type of voting, and for how long.

In a way, the task is to bring out the national political structure's identity defining the country's current type of citizenship and its institutional structure, electoral system, structure and organization of the political parties, and gender culture. This would allow each country to introduce a specific quota model that would be the perfect solution to the obstacles identified. The use of perfectly tailored proactive measures would bring the countries to an appropriate level of parity and a sufficient level of public and political awareness to guarantee that female representation in political institutions would continue. When a country reaches this level of political and democratic development, then quotas, which are like a crutch that, by definition, is artificial and intended for temporary or exceptional use to support a failing system, can be lifted. The quotas play the role of a positive catalyst, so to speak, in the quest for parity.

**The electoral system** sets the rules of the democratic game within a country. Depending on these rules, women's participation can be furthered or hindered. So what is needed is a study of how electoral systems influence the level of women's participation in politics. While there is no set rule for applying a certain type of quota to a certain type of voting and political regime, studies tend to



show that quotas yield the best results when they are applied in a political system based on proportional representation. (The United Nations International Research and Training Institute for the Advancement of Women [UN-INSTRAW] is currently working on designing a tool for analyzing electoral systems from a gender perspective to see how they influence the level of women's participation in politics.)

Proportional representation aims to allocate seats based on the number of votes cast so that those elected (members of Parliament; local, city and regional councilors; etc.) can reflect the diversity of opinions among the voters as fairly as possible. Each political party presents a slate of candidates for the vote. The seats are allocated to each list by dividing the number of votes received by the electoral quotient (number of votes needed to win one seat). Any remaining seats to be filled are allocated using a previously determined method. This method of election is the fairest and most democratic. According to authors Muholongu Malumalu and Feghali, proportional representation is the method most often used in western democracies; it is the predominant form in Latin America, as well as in Europe with 63.8%, and represents 26.4% of the election methods used in Africa.

Plurality voting can be used for either single or multi-member district elections. This is the oldest form of voting and also the simplest, as it awards the seat(s) to the candidate or slate of candidates who receive a (relative or absolute) majority of votes. This voting system gives small parties less chance of being represented and means that the elected legislature does not truly reflect the entire electorate. Adopting quotas in a political system that uses this election method would have less of an effect.

### **C. The Effect of Adopting Quotas as Illustrated by Examples of Good Practices**

From a quantitative standpoint, statistics compiled by UNIFEM, IDEA, the Inter-Parliamentary Union, and Quotaproject show how adopting quotas affects women's increased presence in politics. Mechanically-speaking, the number of women in government services is exploding, and the significant presence of women in the leading bodies of government denotes a certain level of modernity. One wonders how long this "pioneer effect" will last. The more women there are, the less novel the movement will be, but this will allow for the establishment of new ways to exercise power over the long term. It is conceivable that it will take several election cycles for parity to mature. According to UNIFEM, in developing countries it takes two generations to reach an "equal" representation rate of 40% for women in politics. These figures show how slow the advancement of women in politics really is. UNIFEM also anticipates that only a few countries will reach the critical mass of 30% female members of Parliament by 2015, and that in developing countries it will take another 40 years to reach parity. As of September 2009, women make up only 18.6% of members of parliament worldwide, and there are only seven female heads of state in the world. A comparative study on the presence of women in Parliament in countries that have adopted quotas and countries with no quotas of any kind shows how quotas accelerate the process. In countries with no quotas, women advance much more slowly in politics than in



countries with quotas. The difference can be as high as sixteen percentage points, as in South Asia. (UNIFEM, Progress Report 2008-2009).

Moreover, the effects of adopting quotas should be studied not only quantitatively, but qualitatively as well. Few statistics are available in this area, but it would be interesting to study the limiting effects of quotas, for example, the “glass ceiling effect” that limits women to the proposed 30% while preventing them from rising through the political ranks in any great numbers. To remedy this, some countries have established alternative male-female quotas that allow women to gain access to all positions and so to reach parity. This is the case in Sweden, where the principle of “one candidate in two is a woman,” also called the “zipper principle,” allows each sex to achieve a rate of close to 50%, without this being perceived by public opinion as a restrictive quota.

It should be added that while quotas are certainly a mathematical solution, they do not completely break down all of the barriers to women’s representation in politics. To achieve lasting change in society, quotas must be accompanied by action on two fronts: first, civil society must evolve to better support women in politics, and second, women must themselves become involved in politics. Such involvement can take many forms, including taking a position, making public statements, demanding quotas within one’s own party, refusing to follow a political leader who does not observe parity, leaving parties that do not apply the principle of gender equality, and also creating political parties that have parity and respect for parity by all members as their cornerstone. Women must assert their political will, starting with the refusal to vote for a political party that does not respect them.

The case of the Scandinavian countries, which have achieved parity with very little use of quotas, is a particularly good example of the importance of mobilizing civil society and political will as a prerequisite for women’s rise in politics and in all levels of society.

In light of some political parties’ positive experiences in seeking equity, it is possible to cite some examples of good practices used throughout the world, specifically: creating women’s chapters within political parties, offering training and financial aid to female candidates to help them campaign effectively, creating a forum where women can exert pressure and debate policies, scheduling meetings at times when women can attend, establishing a task force to analyze the party’s ideology, platform, and bylaws and to verify that they incorporate the idea of gender equality, institutionalizing policies for equality within the party, and examining the democratic nature of parties’ internal candidate-selection processes. These are only a few examples of possible ways to improve women’s participation in politics.

### **III. The Reality of Quotas Around the World: Country Examples, Parity With and Without Quotas**

#### **A. The Arab World**

As Heba Nassar of UNIFEM reiterated at the Conference on the Joint United Nations/Arab League MDG Report held in Beirut on December 9-10, 2009, Arab women's participation in politics remains the lowest in the world, with women holding an average of 9% of national Parliament seats in the region. Their underrepresentation in the governments of Arab nations is even cited as the main cause of underdevelopment in these countries by a 2006 UNDP report on human development. In 2009, the percentage of seats in Parliament occupied by women was still less than 10% in many Arab countries (Libya, Oman, Lebanon, Algeria, Egypt, Morocco, Yemen, and the Comoros Islands) and women are completely absent from parliament in Qatar, Saudi Arabia, Kuwait, Palestine, and Somalia. Heba Nassar feels that this situation is the result of several factors: the patriarchal and sometimes tribal culture and the sectarianism that predominate in some Arab states, which give only clan chiefs the right to appoint candidates for the elections; stereotypes about the role of the Arab woman in society are very strong and still confine women to household tasks and raising children; and in many Arab countries, women's political participation is limited to a few appointments to ministerial or parliamentary positions.

Ratification of CEDAW by 19 of the 22 Arab countries indicates a commitment to recognizing women's rights and equality. However, it is unfortunate that, as explained earlier, many countries have expressed reservations, sometimes so many that they render the CEDAW text meaningless. Libya, Tunisia, and Morocco have ratified the Optional Protocol to CEDAW.

Still, note should be taken of certain constructive measures that could indicate a political willingness on the part of some Arab states to steer their society toward greater recognition of the role women have to play. These include:

- The emergence of a "state feminism" through the creation of national commissions for women, which have been established in several Arab countries to give women more influence (such as in Egypt in 2000 and the Supreme Council for Women in Bahrain in 2001). This controlled feminism is often criticized for its artificial nature intended only to give the appearance of a modern state with no real commitment to women. It is also accused of trying to channel and limit women's movements. Yet it seems undeniable that regardless of the government's true motives, women do benefit from the creation of these kinds of entities.
- Active participation by some Arab states in regional and international conferences on gender and strengthening the role of women.
- Adoption of universal suffrage in most Arab countries.
- Adoption of quotas (Algeria, Djibouti, Morocco, Jordan, Tunisia, Sudan, Palestine, Egypt, Mauritania, and Iraq),
- Successful implementation of legal reforms in some countries, eliminating laws that discriminated against women and replacing them with others more in keeping with equality.

In order for all of these political, legal, and social measures to be even more effective, they must be accompanied by information campaigns at the local and national levels to ensure that all women know their political rights and exercise them, regardless of their social status.

In addition to these positive steps, concrete initiatives have been taken to increase political participation by women in the Mashriq countries (Egypt, Iraq, Jordan, Lebanon, Palestine, and Syria). They are worth mentioning: arrangement of women-only transportation to the polls; cooperation with women's organizations to raise awareness and educate women about their voting rights, in collaboration with male community leaders; improved access to information and expertise; linking women with female members of Parliament, or male members of Parliament who support the women's cause, to help familiarize them with the rules of the political game.

By way of example, we will look at the following countries: Morocco, Bahrain, Jordan, Egypt, and Lebanon.

**In Morocco**, the principle of gender equality is guaranteed by the 1962 constitution. However, and despite the government's ratification of CEDAW in 1993 and the Optional Protocol in 2006, women's representation in politics was still only 10.5% in 2009, which places Morocco squarely among the average for Arab countries.

Yet ever since Mohammed VI ascended to the throne in 1999, the government has consistently demonstrated a growing political commitment to promoting gender equality and good governance. According to H. Alimi M'Chichi, a professor of political science at the Law Faculty of Casablanca, the introduction of gender analysis into the political domain has made it possible, first, to expose some of the socially and historically constructed relationships responsible for many gender-based inequalities; and second, to highlight the differences between modernists and Islamists, while revealing widespread confusion about women's place in Moroccan society.

The Moroccan government's innovative approach is part of a sweeping national agenda for democratic transition, economic modernization, and promotion of human development, which led to the adoption of a female quota of 12% for the 2002 local elections. This was a major step forward for Moroccan women, and certainly indicates the desire to make more room for them in Morocco's political institutions, even though the numbers still seem a little cautious. The government's desire to promote women was reaffirmed by its withdrawal of the reservations expressed when CEDAW was ratified, then by the revision of family laws (*Moudawana*) in 2004 and the amendment of the citizenship law in 2007. In 2005, the Moroccan government adopted a national strategy for preventing violence against women, and in 2006 a strategy to promote gender equality by incorporating gender objectives into public policy and development programs, thus favoring women's entry into the public sector.

As explained by Alain Roussillon and Fatima Zahra Zryouil, authors of “Etre femme en Egypte, au Maroc et en Jordanie” [Being a Woman in Egypt, Morocco and Jordan], when Moroccan feminists first mobilized, their efforts were localized and yielded little success because they were part of an elitist logic seeking to gain access to positions of power and not an attempt to more generally improve living conditions for working-class women. However, these movements have since evolved considerably and have gained real momentum throughout all of Moroccan society.

The Democratic Association of Moroccan Women (known by its French acronym ADFM) has also played an important role. ADFM was created in 1985 and works to promote a culture of gender equality by organizing work seminars, conferences, and debates. Working with the women’s rights movement, the association has disseminated and popularized the debate on female representation in Parliament by moving gradually from a general discussion of affirmative action measures to specific and quantified demands that led to the adoption of quotas.

ADFM also works at the legal and policy level seeking enforcement of the international conventions to counter the imbalance between the number of women in the population and the small proportion of female candidates and elected officials. Along with women’s networks and associations, ADFM also works side by side with the political parties to support the introduction of proactive measures and change the parties’ policies and procedures to allow women to hold positions of power within the parties.

Finally, the notable increase in the number of women in Moroccan politics should not dampen efforts by various political players to continue adapting domestic laws to the international conventions, or efforts by Moroccan society to promote modern education, which would help women in politics and steer the country toward equality-based democracy.

In the Middle East, as previously mentioned, women’s participation in politics varies tremendously from one country to another. In **Bahrain**, the government set up the Supreme Council for Women in 2001 and ratified the CEDAW in June 2002, with reservations limiting the Convention’s scope of application to that which is permitted by Islamic Shari’ah law. In spite of the stated reservations and the restrictions on its application, the convention’s ratification constituted a success for women, who finally gained the right to vote in August 2002 and were thus able to participate in the 2003 general elections. This was a great victory for women’s rights activists and a revolution for women. Still, in the absence of quotas or any affirmative action measures, Bahraini women occupy only 2.5% of the seats in parliament.

The “Equality without Reservation” campaign was launched in November 2008, and conferences on the place of women were organized. Certainly, this is visible progress for the legal status of women in Bahrain, but the gains are nevertheless rather moderate considering the country still has no uniform family code. There is much progress yet to be made.

**Jordan** has demonstrated its modernism and a real desire on the royal family's part to encourage and promote women's participation in politics. Jordanian women gained the right to vote in 1974 and CEDAW was ratified in 1992 (with some reservations). Women currently hold 6.36% of the seats in Parliament, a good outcome in this region that is due to the adoption of quotas in 2003. The Jordanian National Commission for Women, created in 1992, has worked to introduce proactive measures for women and has been given the responsibility of developing a strategy to further the interests of Jordanian women. The quota system was adopted after a series of actions and meetings designed to raise public awareness and convince government authorities eventually led to a consensus in 2003. Actions included seminars, a poll showing that 20 of the 33 parties supported the idea of quotas in 1995, and a petition with 15,000 signatures organized by a committee of NGOs that supported the introduction of quotas.

This system reserves six seats for women. The seats are filled based on the percentage of votes won by a female candidate in an electoral district. The women who win the election with the top six percentages win the seats. This is the minimum provided by law, but women can also win other seats by obtaining higher scores than the male candidates; in this case the seats won are not deducted from the quotas.

Jordan's electoral system is complex, because the system of women's quotas is matched by a parallel system of reserved-seat quotas for the Christian, Chechen, Circassian, and Bedouin minorities. Additionally, no standard criterion, such as population or number of voters, is used to determine the size of the electoral districts. District size varies from one to five seats pursuant to the quotas.

Jordan's quota system for women has several advantages. First, it is open-ended and does not limit women to the six seats reserved by law. Second, the women are not limited to certain predetermined seats, as are the Christians, Circassians, Chechens, and Bedouins. Finally, the quota for women is separate from the other quotas, so if, for example, a Bedouin woman is elected, her seat is not subtracted from the minority quota.

The main disadvantage of this election system is the insufficient number of seats reserved for women. Six seats represent only 5.5% of the total number of Parliament seats. This explains the current low female participation rate of 6.36%. Furthermore, the system of voting district apportionment and the unequal geographic distribution of female candidates within the country does not provide balanced representation for women, and makes it more difficult for them to be elected in large metropolitan areas.

In order to increase participation by women, it would be desirable to double the number of seats reserved for them, to contemplate revising the law on political parties to impose a minimum quota for female candidates on the parties, and to adopt a proportional voting system.

Finally, Jordan's government is motivated by a real desire to promote women and change traditional attitudes, as is tangibly demonstrated by the withdrawal

in February 2009 of two of the CEDAW reservations, passage of Protection Against Family Violence Act in 2008, the Jordanian Justice Ministry's support for judgeship training programs for women—with the hope of having 40% women judges in ten years, and the hosting of the second regional conference of the “Equality without Reservation” coalition in Jordan in May 2009.

**Egypt**, with women members representing only 1.8% of its Parliament in 2009, is one of the countries where women are the least represented in government. Yet Egypt—a signatory of CEDAW since 1981—is also the first Arab country to have given women political rights, in its 1956 constitution. Since the revolution in 1919, Egyptian women have always expressed and asserted their rights, and a quota system was even adopted temporarily in the past. While the 1956 and 1971 constitutions explicitly laid out the principle of equal rights and opportunities for all citizens irrespective of gender, two laws in 1979 and 1983 stipulated that 30 and 31 seats, respectively, be reserved for women in the People's Assembly in a system of proportional representation. With the quota system in place, the percentage of women in Parliament increased steadily until it reached 9% in 1979, a record for the country and the region. This did not last long, as a battle to oust women from Parliament began. This resulted in the Supreme Constitutional Court abolishing the 1979 law in 1986 and the quota system being abandoned on the grounds that it was unconstitutional. The court's real motivation for rescinding the law had to do with the unconstitutional nature of the electoral system, based solely on the candidate slates presented by the political parties pursuant to this law, which precluded independent candidates and therefore contravened the principle of equal opportunity between members of the political parties and persons unaffiliated with a party. Article 3 of the law, which reserved a number of seats for women, was not specifically challenged, but was still abolished. To justify this decision, some commentaries argued that reserving seats for women discriminated against men.

A new wave of support for women's participation in politics was finally born in Egypt with the help of the National Council for Women and the support of many organizations, which encouraged women to register to vote and to run in the general elections. Training seminars were held and standing committees created to support participation by women. There was a renewed demand for a quota system reserving 12% of Parliament seats for women, which was based on a new interpretation of the principle of equal rights and opportunities as found in the 1979 Constitution, in light of CEDAW and the March 15, 1984 Declaration of Alexandria.

This led the Egyptian government to amend Article 62 of the Constitution in 2007. This was done to strengthen the legislative branch and reform the electoral system to ensure better representation of the political parties in the People's Assembly and the Shura Council, and to give women a greater role by adopting a female quota system. Article 62 as amended does not specify an exact minimum number of seats reserved for women, but a substantial increase in the number of women in Parliament was already seen after the latest elections, jumping from 2% in 2005 to 11% in 2009. (Figures provided by the Egyptian Embassy at

the Conference on the Joint United Nations/Arab League MDG Report, Beirut, December 9-10, 2009.)

The Egyptian example shows the positive impact quotas can have on women's participation in politics, and also the negative impact when quotas are eliminated. It is thus paramount to keep these favorable measures in place until the cultural barriers that hinder women's presence in politics are eradicated and true equality is achieved.

**Lebanon** is unique among the Mashriq countries because of its history, culture, and religious diversity and the place it reserves for women. In fact, in Articles C (preamble) and 7 of its Constitution, Lebanon formally lays out the principle of equal rights for all its citizens without regard to gender. It has also ratified the international conventions on human rights, in particular CEDAW, thus reaffirming its adherence to the principle of equality between men and women.

Still, the proportion of Lebanese women in decision-making bodies and in politics remains limited, with only 3.2% of the Parliament being female even though women make up 30% of the labor force, the number of female graduates exceeds the number of male graduates, and women make up 52% of the country's population.

It is the illustration of a society based on a patriarchal structure, which is commonly found in Arab societies. According to Lamia Osseiran, of the National Commission for Lebanese Women, the major obstacle to the presence of women in politics is the family sectarianism on which the Lebanese state is based, which reserves power for the male members of a few political families on the basis of representation and not on their actual qualifications.

To remedy this, women's associations and the National Commission for Lebanese Women are undertaking sustained action to support the adoption of proactive measures. More specifically, they have been organizing workshops and attending international conferences on women's rights and quotas for women (in 1998, 2000, and 2004). In 2005, a bill proposing that 40% of the seats in Parliament be reserved for women under a system of proportional representation, and imposing a 30% female quota on the parties' candidate lists, was rejected. So there is still no quota for women in Lebanon. The existing quotas apply to religious denominations. Yet, as Marie Nassif-Debs explains, most representatives of the political class have criticized the quota system for women because they find it degrading, but they forget that they themselves came to power thanks to the quota granted to political representatives of religious denominations.

Other countries have geographic quotas, or quotas for castes as in India. These quotas are superposed on the quotas for women. Drude Dahlerup, a professor of political science at the University of Stockholm, believes that the legislative type of female quota system would certainly be the most suitable for Lebanon, which already has legislative quotas for denominational representation. This system would be more restrictive and therefore more effective.



According to Kamal Feghali, a Lebanese member of Parliament and co-author of the 2005 bill, female representation in politics will be improved in Lebanon only if the political parties commit to complying with the rules of equality and parity in their operational structures and if female quotas are applied when recruiting candidates. Moreover, Mr. Feghali insists that it is essential for women to become more involved in political life, and that they must wage a campaign to exert strong pressure on the parties to adopt favorable measures on their behalf. A long-term strategy needs to be implemented, based on action by both women and the political parties, to raise awareness throughout society and increase support for adopting a dual-quota system (for religious denominations and women) and for reforming the electoral system.

The new Lebanese government is very keen on denominational parity and affirmed in point 22 of its political statement its desire to implement CEDAW and to work on electoral reform. To that end, it will have to define the political, religious, and structural identity of Lebanon to determine what type of voting system (plurality, proportional or mixed) in which type of districts could best reinforce the effect of women's quotas so as to establish parity—this time, gender parity.

While some authors, such as Ahmad Beydoun, feel that the principle of equality of citizens in a democratic regime is a sufficient guarantee to compensate for the absence of denominational quotas, it seems, in contrast, that this principle of equality is insufficient regarding female representation, and must imperatively be supplemented by effective legislative quotas.

## **B. Quotas in the Rest of the World**

### **A. Asia**

Asia was a pioneer in proactive measures for women. As far back as 1956, Pakistan reserved between 5 and 10% of its seats for women, and Bangladesh did the same in the 1970s. Today, both Bangladesh and now India have implemented constitutional quotas. Indonesia, Pakistan, and China have adopted quotas through legislation. Asia prefers formal, mandatory legislative quotas over the type of voluntary quotas set by political parties themselves that are frequently used in western Europe and some African countries. There is also a clear tendency in Asia to resort to the system of reserved-seat quotas.

**In India** the debate surrounding the adoption of female quotas, which began in the 1920s, gained new momentum in the 1950s in the context of a broader discussion on the inclusion of historically disadvantaged groups, in particular, recognition of the lower castes. Furthermore, India is a good illustration of the different reactions to quotas at the local and national levels. In 1993, as part of the decentralization policy launched by Rajiv Gandhi, the Indian Parliament adopted a constitutional amendment that called for a double quota system: 30% of the seats were reserved for women and a percentage was reserved for women of lower castes in proportion to their presence in the population. While female quotas of 20 to 30% were successfully adopted at the local level for local councils

or *panchayats*, in contrast, the Women's Reservation Bill reserving 30% of the national seats for women is still under debate in the Parliament.

The example of quotas on two levels could inspire countries such as Lebanon that need to correct underrepresentation of women in politics while at the same time taking into account a characteristic that cuts across the population, such as religious diversity. However, care must be taken to avoid the previously mentioned pitfall—often brandished by opponents of the female quota system—of having too many quotas in a society that could end up becoming heterogeneous (quotas based on gender, religion, geography, castes, etc.).

**In Pakistan**, quotas of 33% were adopted and have not only allowed women to enter politics, but have also gained representation for disadvantaged groups on the regional councils. Pakistan has also set up specific training opportunities for women and men wishing to enter politics, to give them more abilities and opportunities to succeed.

**East Timor** is a good example of strong female participation in the exercise of power and in building the government during a post-war period, without any proactive measures having been adopted. In fact, it was joint action by a powerful network of women's organizations, a critical mass of women at the highest decision-making levels, and support from the United Nations that combined to defend the principle of gender equality in policies, programs, and legislation and to create an institutional framework that respected the role of women. Today, women make up more than 30% of East Timor's Parliament and head up three of the nine ministries.

In conclusion, two trends are evident in Asia: the adoption of legislative quotas, and reserved seats for women. The Asian examples also highlight the importance of studying the specific religious, ethnic and cultural context of the country, as well as the caste system, before deciding which type of quota would be the most suitable.

## B. Europe:

As in other areas of the world, women's participation in politics varies considerably from one country to another depending on the use of quotas, which is not systematic and comes in several forms.

Since the **Scandinavian countries** are among the leaders of female representation in Parliament, with an average of 42.5% women legislators as of October 31, 2009, it is important to examine the road they have taken and the methods used. This situation is a result of the combined effects of a multitude of positive factors: many years of political activism by women, governments with a strong social orientation, the massive entry of women into the labor market in the 1960s, along with an education boom, the secularization of government and the power of the social democratic parties. The conjunction of all of these elements at the same time brought nearly 25% of women to the Parliament. Quotas did not come into play until later, and then they only reinforced and confirmed women's participation. It has taken a total of eighty years for female representation in

the Scandinavian countries to rise from 0 to almost 43%. That is why Drude Dahlerup, author of numerous works on the subject of women in politics, believes that Scandinavia should not be considered as an example.

Currently, only voluntary quotas within the political parties are in place in the Scandinavian countries. In Norway, most of the political parties have a quota of 40% for either sex. Iceland and Sweden have adopted the same type of voluntary quota (called the “zipper system” in Sweden, which means alternation of the two sexes on the party lists) and their Parliaments are 42.9% and 47% women, respectively. It must be noted that Denmark abandoned all quotas in the mid-1990s, and currently 38% of its members of Parliament are women; and in Finland, which also has no quotas, women make up 41.5% of the Parliament.

Denmark, Finland, Norway, and Sweden have a proportional electoral system.

**In France**, nearly six centuries passed between the first protest of discrimination against women, attributed to author Christine de Pizan in 1405, and the adoption of the law on parity in 2000. During that time, after a bitter struggle and much later than in most other European countries, French women gained the right to vote through a 1944 edict, as well as equal political and civil rights. The political conscience was truly awakened with the demands for equality popularized by the women’s movements of the 1960s and 70s.

The first bills supporting quotas were introduced in 1979, and especially in 1982 with a law calling for a maximum of 75% of candidates of the same sex, meaning a 25% quota for women. However, this affirmative action bill, which was unanimously adopted by the National Assembly, was declared unconstitutional and fell by the wayside.

A corner was turned in gender equality in France nearly twenty years later, in 1999, with the amendment of Articles 3 and 4 of the Constitution, which now stipulate that “The law promotes equal access for women and men to political offices and positions” and that “political parties and groups contribute to implementing this principle pursuant to the legal requirements.” As noted by Catherine Génisson, the general rapporteur for the French Observatory on Parity Between Women and Men, “This is a true revolution, because we are moving from a paradigm of abstract universalism (the abstract being assimilated to the masculine) to concrete universalism by introducing the word ‘woman’ in Article 3.” The barriers of submission to the masculine model embodying sovereignty have been broken down and the constitutional reform is literally opening the door for women by giving them an increased right to citizenship, that goes beyond “equality in terms of eligibility.”

The parity act was adopted in 2000 as part of the constitutional reform. The parity movement is well underway and finding much greater success in public opinion than the term “quota,” which makes people think of Brussels’ unpopular agricultural policies. Furthermore, “quota” and “parity” are not the same. Parity is the demand for equality, a quota is only the means for achieving it. As Valérie Mérour says in “La représentation politique des femmes dans les démocraties

libérales : les cas français : justice, égalité, parité” [Political Representation of Women in Liberal Democracies: the French Cases: Justice, Equality, Parity], “Unlike the idea of a quota, the concept of parity arises from a true vision of society based on gender equal co-management by men and women. The requirement for parity stems from the proven need for an adequate representation of society based on its existing makeup and representative of both of humanity’s genders.”

The new law requires the political parties to recruit men and women equally and stipulates financial penalties for parties or political groups that do not present a 50-50 male/female candidate slate (to within 2%). Results were immediate, and the number of women elected to municipal councils increased massively in the 2001 elections with the percentages ranging from 30 to 47.5%. In some municipalities, the proportion even doubled.

Thus the law has proven to be extremely effective on a local scale. At the national level, however, progress has been slower and women held only 18.2% of the seats in Parliament in 2009—lagging far behind the other European Union countries.

Change is therefore happening at two different speeds, and improvements are still needed in order to further increase women’s participation in political life, especially with regard to the scope of the law, the schedule and pace of the legislature’s work, and improvement of elected women’s status.

In the rest of Europe, the general trend is widespread use (in 27 countries) of voluntary quotas set by the political parties. Only about ten countries have enacted legislation imposing quotas at the national and local level.

### C. The Americas

**There are no quotas in the United States.** Women hold 16.8% of the seats in the House of Representatives and 15% of Senate seats, but they actively participate in the government at the department (ministerial) level.

**In Canada**, 22.1% of the members of Parliament are women. However here, again, there is no legislative quota and there are no seats reserved for women; only voluntary quotas within the political parties. So politically speaking, the work is done at the level of the parties, which put forward as many women as possible, and also at the level of the government, which is making every effort to achieve gender parity on the Council of Ministers. The Quebec Liberal Party, currently in power in Quebec, has already reached parity in the past, even though currently women hold only 12 of the 28 minister’s seats and are nearly at parity. The risk with this strictly voluntary system is that it depends entirely on political will and offers no guarantees for the future. Up to this point, and despite periodic public debates, no law has been passed to enact legislation on gender equality.

**Latin America** stands apart from North America and Europe by the formal steps it has taken to promote women. Indeed, the constitutions of most of the region’s countries have a clause addressing gender equality. Furthermore, as a result of the Beijing Conference and the recommendations contained in its Action Platform, a

regional campaign supporting the adoption of quotas came into being. This led 16 Latin American countries to pass quota laws, which allowed for considerable progress in terms of female representation in the national Parliaments. As shown in a study by Canada's International Development Research Centre (IDRC), some laws specifically increase women's representation while others aim for a balance between the sexes and ensure that neither can hold more than 70% of the seats in Parliament. The number of women elected doubled in the 1990s, rising from 6% to 15% in one decade. These numbers are higher than in some European countries for the same period.

Although the Beijing goal of achieving parity in decision-making positions before 2005 was not met, the positive outcomes of quota laws in the countries that have passed them should be underscored.

The political parties and even professional organizations, which are very powerful in Latin America, have voluntarily instituted affirmative action measures. Many countries in the region now have laws requiring that party lists be 20% or 40% women. Here, again, we see a regional preference for mandatory legislative measures, not those left solely to the political parties' discretion.

In some countries in this region that have not passed this law, the political parties have still supported the process and are spontaneously using a quota system for their internal elections and in preparing for general elections. This is the case in Argentina, which has become a pioneer with the Peronist party's voluntary adoption of quotas for women.

But authors (Dahlerup, Htun, and Jones) agree that despite all of the positive outcomes of the quota laws, their true ability to increase the number of women in government is limited. In 2004-2005, the proportion of women in the parliaments of Honduras and Guatemala was only 5.5%. The political parties tend to apply quotas only minimally and the electoral systems make it difficult to enforce quotas for women. The road is long and difficult, but the numbers show slow improvement, in Honduras for example, which now has a Parliament that is 23.4% women. Still, even though final numbers are not yet available, preliminary trends in the results from the November 29, 2009, elections seemed to show a slight decrease in the number of women in Parliament (*El Heraldo* newspaper, November 30, 2009).

With nearly 23% of its Parliament seats held by women, Honduras is ahead of many countries, including European countries, but is still far from achieving parity.

**Argentina** is an interesting example of the advancement of women's role in politics because, first, the country was a pioneer in this area; and second, four types of quotas are in place and there are penalties for non-compliance.

In the early 1950s the region's leading political party, the Peronist party, adopted a quota for women. Then in 1991, Argentina started down the road of formal affirmative action when it incorporated into its electoral code a quota law setting the minimum proportion of female candidates on the lists at 30%. This

mechanism was supplemented by the passage of a law setting a quota of 50% female candidates for elected offices in the political parties of Cordoba province.

Argentina ratified the CEDAW in 2007 and incorporated its provisions into its constitution, including all of the provisions on gender equality.

Through the combined effects of all of these legislative and voluntary measures, Argentine women have always been very well represented in the Chamber of Deputies over the past sixty years. In 1955, they already held 22% of the seats, a record for the time, and they currently make up 41.6% of the deputies, which puts Argentina sixth in the world for female representation in Parliament. This led the country to select a female Chief of Government of the Autonomous City of Buenos Aires in 1996, and to elect Cristina Kirchner as the country's leader in 2000.

#### D. Sub-Saharan Africa

Fatou Sow, a researcher with IFAN [*Institut fondamental de l'Afrique noir*, or African Institute of Basic Research] in Senegal and the CNRS [French National Center for Scientific Research] in France, says "African democracy is sick, suffering from underrepresentation of women, and this is due to the patriarchal culture that reigns in Africa. Women must have the ability to represent and be effective, and this must go beyond the merely quaint picture of formal quotas and parity." Ms. Sow raises the issue of African women being appointed to positions of power, and not democratically elected, simply because they belong to a particular party, family, ethnic group, or religion, regardless of their personal qualifications. She also denounces a form of state feminism that leads to the creation of structures that deal with women's status and the calls for a gender vocabulary that is very often devoid of true meaning.

A study conducted by iKNOW Politics in Africa showed that in 2005, the average for female representation in the 21 countries that use a plurality system was 15.5%, compared to 27.4% in the 12 countries with proportional representation. The lowest level of female representation was found in the countries with mixed electoral systems, at 13%.

**In South Africa**, women account for 44.5% of the legislature. This excellent result is due to the actions of a powerful women's movement (the Women's National Coalition, or WNC), which directed and strengthened the constitutional and legislative reforms while pressuring the political parties to adopt quotas. To accomplish this, the WNC developed a national action platform that heightened public awareness about women's place in politics. The ANC, South Africa's leading political party, then voluntarily decided to set a quota of 30% women for its candidates and to organize training for the women candidates. The combined effect of lobbying by women's movements, self-imposed quotas among the political parties, and quotas imposed by law have made the country third in the world in terms of the percentage of women legislators.

The government's decentralization program at the national level also played a very important role in helping women enter politics at the local level, where they had had a hard time getting elected due to the conservative nature of local politics. A study by the International Development Research Centre (IDRC) in Ottawa has shown that national gender-specific policies are effective for increasing women's participation in local projects. But this research also notes that women's involvement in local governments often reinforces their traditional role rather than increasing their political influence. The study concludes that it is just as critical to raise men's awareness of women's representation and participation in politics as it is to raise women's awareness.

In April 2009, **Burkina Faso** adopted a minimum quota of 30% for female candidates on local and general election lists. This was accompanied by coercive measures and penalties for non-compliance. But what is really worth noting is the government's interesting and novel approach, which grants additional funding to the parties if they position women on their list in such a way that at least 30% of them are elected. Currently, 15.3% of Burkina Faso's legislators are women. Burkina Faso ratified the Maputo Protocol on parity and seems to be taking serious action to move in this direction.

**Rwanda**, with a 56.3% female participation rate in parliament as of October 2009, tops the Inter-Parliamentary Union (IPU) list, ahead of Sweden, which has only 47%, and South Africa with 44.5%. Rwanda is the only country in the world to have achieved and even exceeded gender parity. This is the result of several factors, particularly provisions in the constitution reserving seats for women and a constitutional quota of 30% of seats for women in the Senate. Since the end of the 1994 genocide, Rwanda has been rebuilding itself on new foundations, and many seminars have been organized by the United Nations and the IPU to improve women's access to politics. It should also be noted that in Rwanda, the entire political class recognizes the need to include women in political life. All of these factors have brought political success for the women of Rwanda and gender-equal democracy for the country.

These examples demonstrate the considerable progress African countries have made in recent years in terms of promoting women in politics and public life. The best results have been obtained in countries that have implemented some form of quotas, whether voluntary, legislative, or sometimes a combination of both. Studies show that the success of quotas depends mainly on the country's electoral system, the commitment of party leaders and governments to promote women in politics, and the energy level of women's movements and groups.



## CONCLUSION

Are quotas a powerful tool for establishing the gender equality advocated by international law, or are they a delayed-action affront to women? All of us, men and women alike, must answer this question for ourselves. Many countries have already decided by adopting a quota system. Many others have yet to define the strategy that will lead them to the establishment of an egalitarian democracy. States will have to find their ideal version of the quota system, the one that is best suited to their social, cultural, political, and administrative structures and foster the emergence of a society in which both women and men will finally be able to move toward a truly egalitarian political, social, and economic partnership.

As noted at the Conference on Male-Female Equality in the Euro-Med region, held in Istanbul in October 2009, “Full and complete citizenship for all women must be acknowledged and their political, socioeconomic, and legal rights must be guaranteed.” The combination of gender equality and equal representation is one of the essential conditions for democracy, social cohesion, and development.

Finally, women must mobilize and become solidly engaged in politics in order to assert their rights and gain access to egalitarian legal, economic, and political representation, which is so vital to economic development and democracy.