POLITICAL GENDER QUOTAS

Key debates and values for Myanmar

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Despite the increased global visibility of women in politics, there is still a yawning gap in women's political representation when compared with men. Myanmar is no exception: gender inequality and women's rights are major challenges across economic, social and political spheres. Myanmar's historic election in November 2015 saw a big increase in the numbers of both women candidates and women MPs elected to parliament: the new government has nearly three times the number of women MPs than the previous one. But even with close to 10 percent of elected parliamentary seats held by women, Myanmar is still the worst performer in the region for representation of women in parliament. This paper takes a snapshot of women's rights and political representation in Myanmar today and examines the potential value of a quota system for a country at a true turning point in its history.

For more information, or to comment on this paper, email jburnley@oxfam.org.uk or poeeiphyu@oxfam.org.uk

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FOREWORD

Myanmar saw a historic election result in 2015. It brought great optimism to many who hope that the establishment of a democratically elected government will herald a new era of accountable governance and equal opportunity for all citizens. Organizations and networks working for women's rights in Myanmar hope that women too will be given an equal opportunity to participate in and contribute to the architecture of a new Myanmar.

The last few years have seen advancements in understanding the dimensions and scale of women's lack of participation in governance and public life in Myanmar. Qualitative studies have thrown light on the deeply entrenched norms that dictate different roles for men and women and how such norms permeate all areas of life: family, community, institutions and governance systems. The low status accorded to women is also manifested in the lack of pace in implementing policies and strategies that can help to advance women's rights. While Myanmar has launched a landmark document – the National Strategic Plan for the Advancement of Women (NSPAW) 2013–2022 – there has been very little effort in the last two years to make the plan a reality, either through implementation or financial commitments. There have been efforts to involve civil society and women's groups in drafting progressive laws that will protect women's rights; however systemic barriers remain in adopting provisions that comply with internationally accepted conventions and best practice.

In such a context, in which there are institutional blockages to women being able to claim their rightful place, one key strategy could be the implementation of a quota system across all areas of governance. This review from Oxfam is therefore timely and could be a useful resource for organizations to work with the new government to ensure that women are represented in all areas of governance. A quota system, combined with investment in women's leadership development could help build a cadre of women leaders who can and must play an instrumental role in establishing long-term peace and lasting development for Myanmar. The positive impact would be seen in economic and social development, in on-going peace negotiations, and in framing inclusive and protective legal frameworks. While the implementation of a quota system could be a special temporary mechanism, it could also bring about the necessary shift in perception and political will to make women's participation a national priority. And the time has come to translate intentions into action. This is not just a need, but a basic right that should not be denied the women of Myanmar any longer.

May Sabe Phyu,

Director, Gender Equality, Network, Myanmar

1 INTRODUCTION

Despite the increased global visibility of women in politics, including at the highest levels, there is still a yawning gap in their level of political representation, compared with men. In October 2013 only one-fifth of all seats in national legislatures around the world were occupied by women, and today the vast majority of high-level decision making positions are still dominated by men. This gender imbalance is starker in Myanmar than in many other countries. Myanmar's recent historic election – the first largely free and fair election ever to take place in the country – saw a big increase in the numbers of both women candidates and women MPs elected to government: the new parliament has nearly three times the number of women MPs than the previous parliament. But with fewer than 10 percent of elected parliamentary seats held by women, Myanmar is still the worst performer in the region for representation of women in parliament.

The world over, these gender disparities in governance reflect the resistance of legislative (and other) systems to recognize their responsibility in reproducing male-dominated systems of patronage and power and presenting internal barriers to women's progression within political parties. These barriers range from inflexible working hours that cannot be reconciled with the unpaid domestic care work often shouldered by women, exclusive 'boys' cultures of decision making often taking place after office hours; or the often blatant gender discrimination and harassment in the workplace.[1]

In response to this lack of gender equity in governments and to the call for affirmative action in the Beijing Platform for Action, a growing number of countries have introduced quota systems for enhancing women's representation. Currently more than 100 countries have quota systems, and in over 75 percent of cases these have been introduced in the last 20 years – particularly since 2000. Strikingly, the majority of nations that have adopted quota systems are low- or middle-income countries. Evidence indicates that quotas are playing an instrumental role in levelling the gender balance of political representation. According to the United Nations Development Programme (UNDP), in 2012, electoral quotas were used in 22 countries holding elections. With legislative quotas, women took 24 percent of seats and with voluntary quotas they gained 22 percent. Where no quotas were used, women took only 12 percent of seats.[2]

However, the issue of quotas remains contentious and is the subject of much debate. This paper outlines some of those key debates and – with reference to case studies from a number of countries – sets out some of the conditions under which quota systems appear to be most successful. Taking a snapshot of women's rights and political representation in Myanmar today, the paper considers the potential value of a quota system for Myanmar and sets out recommendations for pathways forward.

2 WOMEN'S RIGHTS AND POLITICAL REPRESENTATION IN MYANMAR

Myanmar is currently undergoing a process of rapid economic and political change, with the potential for positive social outcomes which benefit the whole population. Underpinning this process is a desire for greater democracy and equality, and on the surface there has been a visible acknowledgement of the need to promote the empowerment and rights of women in Myanmar.

In 1997, the Government of Myanmar ratified the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW) and committed to the Beijing Platform for Action (BPfA). More recently, the Myanmar government has approved a National Strategic Plan for the Advancement of Women 2013–2022 (NSPAW) whose objective is to create enabling systems, structures and practices for women's advancement, gender equality and women's rights;[3] and 'improved systems, structures and practices to ensure women's equal participation in decision making and leadership at all levels of society'.[4] Unfortunately, and despite these national commitments, there is to date very little in the way of dedicated resources for taking forward affirmative action policies specifically targeted at tackling gender inequality. At the same time, the outward recognition of the need to improve the status of and opportunities for women in Myanmar is contradicted by a widely held perception that gender inequality is not a serious issue. For example, in 2013, U Soe Maung, Minister of the President's Office, stated that:

> *'In Myanmar society, there is traditionally little gender discrimination. It is better than other Asian countries ... women have equal rights with men not only according to the constitution but also by tradition.'*[5]

In fact, gender inequality is a key challenge for Myanmar. Research shows that women are rarely in positions of power – whether in government or the private sector[6] – and they often encounter multiple barriers to taking up positions of leadership at all levels of decision making. Women's participation is held back by the limiting effects of negative social and cultural norms framing what are considered appropriate behaviours and roles. Investment in core social services, which global evidence suggests overwhelmingly benefits women, is significantly lower in Myanmar than other countries in Asia.[7] At the same time, a growing body of evidence demonstrates that discrimination and violence against women and gender inequalities are deep-seated and widespread.

The misinformed view that gender inequality is not a serious challenge in Myanmar means there is a risk that women's rights and gender equality will continue to be considered a very low priority by those who have the power to make a difference. This risk is compounded by the extremely low representation of women in government and other decision making bodies at all levels. The 2015 election in Myanmar resulted in a threefold increase in the number of women representatives in parliament (both upper and lowers houses of parliament in state and regional parliament combined) – including 25 percent of military representatives. But while this figure is higher than that of the previous parliament, women's representation is still lower than in any other ASEAN country[8] and comparatively very low on the global scale. Historically**,** even when elected to national parliament, very few women have had ministerial roles.

In state and regional government, the new percentage of women representatives is 9.45 percent;[9] a threefold increase. In 2015 only 0.25 percent of village heads were recorded as being female, while there were no female heads of townships;[10] a key administrative and local decision making tier in Myanmar.[11] The percentage of village heads may be higher in some non-government-controlled states in a selection of ethnic areas (where conflict persists), but it is

clear that the national average remains extremely low.[12] Women's representation on local committees such as community forestry groups is also negligible.[13]

TOWARDS MORE GENDER-BALANCED REPRESENTATION IN GOVERNMENT?

Higher proportions of women in government do not automatically guarantee that gender equality and women's rights will be given more serious consideration, but a critical mass of women – widely accepted as being at least 30 percent[14] – working together can raise the profile of gender concerns far more easily than a few women working in isolation. Equally important is that increasing women's role in all leadership positions, including in government, is a simple question of democracy and equality: half the population of Myanmar currently has a minimal voice in decisions that directly affect their lives and livelihoods, and this is a situation that needs to be urgently redressed. This is easier said than done, and despite the positive signal from the increase in numbers of women MPs in the recent national elections, there are still many reasons why women are facing obstacles to entering government and to accessing other positions of leadership.

In the experience of Oxfam, for women's voices to be heard and their participation to be effective, changes must be made across different areas of their lives. As well as changing the political context and opportunities that are available, women's' empowerment depends on empowerment across the social, personal and economic spheres.[15]

Research has shown that social and cultural norms in Myanmar heavily influence the roles that are perceived to be permissible for women to take on.[16] This also chimes with global evidence demonstrating that social norms (codes and rules of behaviour, both explicit and implicit) are often reinforced though institutions and relationships which can either enable or constrain the political voice and influence of women.[17] The lack of female role models in leadership positions in Myanmar also has an impact on what women themselves feel they are able to achieve.[18]

A recent study on drivers and barriers to women's leadership in Myanmar showed that a common misconception articulated by both women and men interviewed was that women naturally lack the temperament or qualities required for effective leadership. In Myanmar, leadership is strongly associated with stereotypically masculine traits of confidence, autocracy and bravery, contrary to the qualities of empathy, patience and selflessness that women are expected to embody. The study revealed that women who take on leadership roles are either perceived as too masculine if they overtly display qualities associated with men, or too feminine to be an effective leader if they take a 'softer' approach.[19] There is also a strong assumption, particularly among men, that women lack the capacity and necessary experience to take on leadership roles. One parliamentarian who participated in the study said: 'She is just a woman. What is she going to say about politics?'[20]

Economic factors also influence women's ability to participate in public life and the pressure of balancing family life and political responsibilities has been revealed as a major barrier. Much of the documentation on women's political representation points to the inflexible hours and relentless schedules that are often incompatible with the demands of the unpaid care work that women are so often expected to take on.[21] And this is compounded by the social stigma often faced by Myanmar women if they are felt to be neglecting their responsibilities in the household.[22]

Gender-based violence is another major barrier to women's participation in government and other decision making roles. Women leaders in government and business have reported being regularly subjected to intimidation, threats and sexual harassment in the workplace, and some also experienced violence in their homes at the hands of their husbands.[23]

Finally, limited educational opportunities are preventing women from acquiring the skills and confidence to put themselves forward for leadership positions. Myanmar's education budget, while increasing,[24] is still among the lowest in the region,[2526] and despite the government's commitment to provide free and compulsory primary schooling for all children,[27] poor families still face unaffordable out-of-pocket costs for informal expenses or other fees.[28] These have come down in Myanmar in recent years, but families are still paying up to one-third of the costs of educating their children,[29] and evidence suggests that when families face these kinds of fees they are more likely to withdraw girls than boys from school.[30]

These pervasive barriers to women taking up leadership roles signals that achieving a meaningful transformation in women's political representation will require targeted actions. The Beijing Platform for Action stresses that 'discriminatory attitudes and practices' and 'unequal power relations'[31] usually lie at the heart of the inequitable gender balance in government. This marks a move away from the fault being seen to lie with individual women who lack the will, resources or capacity to participate in politics, highlighting instead the need for government and other institutions to put clear measures in place to address the underlying inequalities, systemic and cultural barriers that constrain women's political representation.

Many argue that one of these measures should be the introduction of a gender quota system,[32] which has provided a 'fast track'[33] to more gender-equitable political representation in a significant number of countries. In 1995 the UN (United Nations) asserted that a 'critical mass' of at least 30 percent of women in government is required to ensure more gender-equitable representation.[34] The BfPA suggests affirmative action to reach this goal where necessary, calling for governments to take measures, including through reforming electoral systems so that they encourage political parties to integrate women in elected and non-elected public positions in the same proportion and same levels as men.[35] Agreed in 2015, Sustainable Development Goal 5.5 also commits governments to 'Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life'.[36] Myanmar's NSPAW echoes these statements, identifying an urgent need for the 'application of quota systems to ensure women's participation in decision making of legislative, judiciary and executive bodies.[37]

Quotas do provide an important entry point for increasing the inclusion of women in high-level decision making. But the establishment of quotas needs to be tailored to the country context and carefully managed: quotas are only one step along the way to gender equality in representation: it is important to see them as an important entry point to change, rather than as an end goal.

One key obstacle that Myanmar will need to navigate is the current system of government. There will always be real challenges to promoting a gender balance in government due to the fact that, according to Myanmar law, 25 percent of MPs must be drawn from the military, of whom the vast majority are male.[38] Fundamentally, candidates must be selected on fair terms with no political influence playing a role in their selection. This is vital if a quota system is to be accepted and respected by all.

The next section will explain the different types of quotas in use; discuss the factors contributing to success in implementing quotas; outline key debates regarding quotas and provide some examples of countries with active quota systems. The section also outlines some of the key conditions that need to be in place to ensure that quotas go beyond simply adding more women to government, but contribute to their meaningful inclusion and help to increase their influence and decision making power. It also outlines ways to ensure that increased representation of women contributes to the broader goals of gender equality.

3 QUOTAS: DEBATES AND EXPERIENCES

WHAT ARE QUOTAS AND HOW ARE THEY APPLIED?

Quotas are a form of affirmative action designed to overcome systemic and institutional barriers to women's parliamentary representation and ensure that a minimum percentage of women and men are present in legislatures. Quotas are also used to overcome barriers to the political representation of other groups, for example those from lower castes in some countries, and from minority ethnic groups in others,[39] including in Myanmar. They take several different forms, but the main distinction is between quotas implemented voluntarily by political parties and quotas that are legally mandated.

Box 1: Albania case study

In 2008, a proposal for an Equality Law along with an electoral code was presented to the Government of Albania by a coalition of civil society organizations – WOMANKIND Worldwide, the Albanian Centre for Population and Development (ACPD) and the Independent Forum of Albanian Women (IFAW) – which included a 30 percent quota for women. The law and code were subsequently approved by parliament, and assessments and public petitions have indicated that while there is growing public support for women's political participation, there are still those who feel that women are ill-equipped for public office and should keep their traditional roles.[40]

Despite these contradictory positions, senior successful women MPs are starting to challenge these views. The coalition continues to network and build alliances with key members of government, civil society and international institutions to support their advocacy. The introduction of affirmative action, especially a mandatory 30 percent quota, has been a significant step forward. The revised Electoral Code states that political parties will have a fine imposed on them unless they have listed at least one female candidate among the first three names on candidate lists. Parties will also be required to replace male candidates with female candidates to ensure they reach the quota. This has been found to be a powerful tool for promoting women's political participation.[41]

Voluntary quotas

Voluntary quotas are established by political parties, which define a proportion of nominated political candidates who must be women – usually around 20–30 percent and up to 50 percent in some cases. In principle they facilitate the strategic inclusion of women on electoral lists in ways which give them equal opportunities to be elected to parliament or other government bodies. Because they are voluntary, there are no legal sanctions or incentives to endorse this positive action, and even if women are adequately represented among candidates, this is no guarantee they will be elected. If political parties do not take a strictly enforced, strategic approach to quotas, women are likely to be placed at the end of electoral lists, which is unlikely to result in their election. However, their chances increase sharply when 'rank order rules' are applied to ensure women are ranked in more favourable ways – for example, through a 'zebra' or 'zipper' system where every other candidate must be a woman. Parties may also put in place a 'ceiling' system, which prescribes a minimum percentage of either sex in the first half of any candidate list.

Legally prescribed quotas

These are results-based systems for achieving stronger representation for women in government, and take two forms:

Legislative quotas oblige parties to nominate a minimum percentage of female candidates. Countries implementing this system include Bolivia, Senegal and Slovenia, which are among the 20 countries with the highest political representation of women in the world (see section 2).

Reserved seats ensure that a fixed number of seats in the legislature is retained for women. The proportion of reserved seats is usually between 10 and 20 percent, but since 2000 this has risen to 30 percent in some countries, with Rwanda a well-known example. These 'results-based quotas' can be realized in three ways: by giving parties the reserved seats in proportion to the number of votes they win in an election (examples of countries using this system are Bangladesh and Pakistan); through the establishment of a separate women-only electoral list (as in Rwanda) or through the designation of a women-only electoral district or electoral tier. Women may also be elected to reserved seats via a 'best loser' system according to which, even when men may have won more votes, the most popular women are favoured for political seats up to the prescribed quota number.

Legally prescribed quotas usually have to be formalized in electoral laws or the constitution for several reasons: in order to ensure they are properly implemented; to present a legal barrier to challenges by other political parties or candidates over the seats reserved for women; and to ensure that seats can be transferred from men to women in the case of countries applying the 'best loser' system. Legal sanctions can be imposed where parties fail to comply with these regulations, but these are not always strictly enforced.

Of course, women may be directly appointed to a country's legislature, as in the case of Myanmar, where two female army officers were appointed as military representatives in the *Pyithu Hluttaw* following the November 2015 election.

KEY DEBATES ASSOCIATED WITH QUOTAS

Global data indicate that quotas can play an instrumental role in substantially increasing women's political representation.[42] Table1 provides a snapshot of the 20 highest ranking countries where a critical mass (30 percent) of women's representation has been achieved (as of December 2014). In the majority of cases, a quota system is present in these countries.

Table 1: Women in national parliament[43]

Rank	Country	% of women in parliament (lower house)	% of women in parliament (upper house)	Type of quota at national level
1	Rwanda	73.7%	38.4%	Constitutional (30%) and legislative party quotas
2	Bolivia	53.1%	47.2%	Legislative party quotas
3	Cuba	48.9%		No quotas
4	Seychelles	48.8%		No quotas
5	Sweden	43.6%		Voluntary party quotas
6	Senegal	42.7%		Legislative party quotas
7	South Africa	41.9%	35.2%	Voluntary party quotas
8	Ecuador	41.6%		Legislative party quotas
9	Finland	42.5%		No quotas

10	Iceland	42.4%		Legislative party quotas
11	Namibia	41.3%	23.1%	Legislative party quotas
12	Spain	41.1%	33.8%	Legislative and voluntary party quotas
13	Mozambique	39.6%		Voluntary party quotas
13	Norway	39.6%		Voluntary party quotas
14	Andorra	39.3%		No quotas
14	Belgium	39.3%	50%	Legislative and voluntary party quotas
15	Nicaragua	39.1%		Legislative and voluntary party quotas
16	Timor-Leste	38.5%		Legislative quotas
17	Denmark	38%		No quotas
17	Mexico	38%	33.6%	Legislative party quotas
18	Netherlands	37.3%	36%	Voluntary party quotas
19	Angola	36.8%		Legislative party quotas
20	Slovenia	36.7%	7.5%	Legislative and voluntary party quotas
21	Germany	36.5%	40.6%	Voluntary party quotas

Many gender equality, human rights and democracy activists argue that quotas are a vital step for ensuring that the 50 percent of the population that is female are represented and have an equal voice in decision making.[44] But the complexities involved in comparing political systems and modes of quota implementation mean that it can be difficult to demonstrate conclusively the positive impacts of quotas across the board.[45]

One often-presented argument is that quotas will dilute the quality of leadership and result in unqualified women taking the rightful position of qualified male candidates, rather than being based on merit alone. Some claim that this constitutes discrimination against men, and is undemocratic.[46] But this does not take into account the skewed systems of preference that have enabled men to dominate the political sphere, and the inequality of access to opportunity, as well as the barriers women face to accessing core social services such as education which places critical limitations on their capacity to take up roles of political leadership.

It is clear that in the case of Myanmar and other countries, if governments are serious about enabling equitable political representation, then in addition to the political quotas, investments of time and money are needed for building women's capacity and confidence to participate effectively. One way to counter the perception that men will be negatively affected by quotas is to introduce a 50 percent parity system which states that both sexes should have a minimum/maximum threshold of 50 percent parliamentary representation. This system applies in France, but has not been successful because of weak sanctions for non-compliance.[47]

Another argument is that quotas prioritize the sex of a political candidate over their political beliefs, promoting a gender bias and a platform that is more focused on women's concerns than on 'serious' issues. Yet evidence indicates that many women in politics are reluctant to focus on women's issues precisely because they feel this will undermine their credibility as serious politicians.[48] This rationale ignores the reality that political systems have long had an implicit *male* bias, particularly favouring the most privileged men from the upper classes and dominant ethnic groups. This bias accounts for the predominance of white, upper middle class, often privately educated men in the political landscape in Europe and the United States; and partly for the largely ethnic Bamar male composition of both the upper (*Amyotha Hluttaw*) and the lower

house (*Pyithu Hluttaw*) of Myanmar parliament. The result is governments that often failed to reflect either gender differences or ethnic and racial diversity.[49]

Some critics are concerned that quotas will be viewed as a maximum target for women's representation in many countries, rather than a minimum requirement to boost their political presence, and that this will limit the potential for gender equitable governance. More data is needed in order to demonstrate the impacts of quotas, but evidence suggests that the type of quota being implemented is significant. Party quotas, whether legislative or voluntary, seem to produce more empowering results, being seen more as a 'door' that enables women's increasing political representation. For example, in Argentina and most Nordic countries the number of women in parliament has steadily risen since the introduction of party quotas.

By contrast, constitutional reserved seat quotas may be more likely to be viewed as a maximum 'ceiling' for women's representation. This has been the case in Jordan and Bangladesh. However, in Rwanda, women's representation has continued to rise. This demonstrates that the most appropriate type of quota to implement is contingent on the national context and conditions.

Further discussion among a range of stakeholders at the national level is needed on this in Myanmar, but the recommendation from this report is that based on the electoral system in Myanmar, quotas should be established as a legislative and/or constitutional mandate for all Myanmar political parties, and the government should stipulate that for all parties at least 30 percent of their candidates should be female. At least 30 percent of seats should also be reserved for women in parliament on a constitutional basis, in order to offset the male bias of single candidate electoral processes. The following section looks in more detail at the country circumstances that need to be taken into account for the design of a quota.

UNDER WHAT CIRCUMSTANCES ARE QUOTAS MOST EFFECTIVE?

There is no blueprint for designing and applying a quota system, but there is a growing body of experience from countries that have successfully implemented quotas, and important lessons can be drawn from this. The experience shows that quota design needs to take into account the type of electoral system and political processes of the country where quotas are being applied, and be supported through accountability mechanisms and awareness-raising, as well the broader interventions to increase women's access to education, personal security and financial resources, and to share and reduce care responsibilities. Some factors that contribute to the success of quota systems are explored below and illustrated with relevant country examples.

Electoral systems and processes most favourable for increasing women's political representation

There are three main elements to electoral systems:

1. District magnitude, which determines how many representatives are elected in one electoral district;
2. Formula, determining how the winner of a seat is chosen
3. Ballot structure, determining whether the voter votes for a candidate or a party and whether the voter makes a single choice or expresses a series of preferences

A number of different voting systems exist, which determine how votes will be turned into seats. These systems can be classified as plurality/majority; proportional representation; mixed and 'other' systems with their own specific characteristics.

The simplest form of plurality/majority system is **'first past the post' (FPTP)** where the winning candidate is the person or party gaining the highest number of votes, regardless of whether this represents an overall majority (i.e., over 50 percent of all votes). FPTP is the system currently used in Myanmar for electing members of parliament. However, as above, this process is supplemented by a system whereby an additional 25 percent of parliamentarians are military personnel whose seats are appointed rather than democratically elected, itself a form of 'quota'.

The most common form of **proportional representation (PR)** is the list PR system, whereby parties or other groups present a list of candidates for a multi-member electoral district. Lists can be closed, meaning that voters do not know in advance the order of candidates and cannot vote for individuals. They can also be open or 'free', giving voters the chance to vote for preferred candidates. Voters cast their votes for a party, and the parties receive seats in proportion to the number of votes they gain.

Enabling women's representation in PR systems

Women's representation tends to be higher when list PR systems are used, as parties are more likely to want to reflect social diversity in their candidate lists. This is true for several South East Asian countries using a PR system coupled with a quota system – examples include Cambodia, where women comprise 20 percent of parliamentarians, Timor-Leste (38.5 percent) and Indonesia (19 percent).[50] However, as below, these gender-equitable impacts vary according to the electoral landscape:

First, the **size of the electoral district** can affect the number of female candidates who win votes. In larger districts there will be a larger number of political candidates and available seats, and therefore a higher chance that parties will be willing to nominate both women and men. Less 'risk' is therefore associated with including female nominees, who may be considered less likely to win a majority of votes. This means there is a higher chance the parties will be willing to nominate both male and female candidates. In smaller districts, when parties are only permitted to nominate a single candidate, they are more likely to choose a male as this is often seen as a safer bet for winning the seat.[51]

The **size of the party** is also relevant as this also affects the number of candidates who can be elected from a particular party in each district. A bigger party increases the likelihood that, even though the first places on lists will be taken by men, women will be included in second and lower positions.[52]

Also significant is the **number of parties** running for election in a particular district, and how similar their manifestos are: In cases where parties' political manifestos are very similar, they can gain popularity by actively promoting gender equality, including by increasing the number of female candidates.

The **structure and transparency of the ballot** can also have an impact on women's representation. In countries where the electorate are less inclined to actively vote for women candidates, a closed list system may be more appropriate, giving parties the chance to appoint seats to female nominees following an election. However, in countries where the value of women representatives is recognized by the electorate, open list candidate-focused systems can facilitate the election of women, sometimes even without the application of quotas.[53]

Box 2: Indonesia (legislative party quota system)

Indonesia has a multi-party system, which means elections are contested between several parties, and those have to win a minimum threshold of 2.5 percent of votes to gain seats in parliament. There is an elected president and parliament comprises an upper house, lower house and regional houses. Indonesia implements a list proportional representation voting system, whereby seats are allocated to candidates or to a party in proportion to the votes they receive in multi-member districts.

In 2003, following intense lobbying from women's organizations, Indonesia adopted 'soft' quotas which at first recommended that each party 'bear in their hearts' the commitment to nominate at least 30 percent women candidates in each district. Despite the lack of a legal mandate, a majority of parties nominated at least 30 percent women candidates in the 2004 elections. However, this was not true for all districts and women were often placed at the bottom of lists, decreasing their chances of being elected. After more lobbying, in 2008 legislative party quotas were introduced, which required all parties to nominate at least one woman out of every three candidates on all party open lists, using a zipper system. The new legislation also contained a provision whereby candidates achieving 30 percent of votes automatically gained seats, while the remaining seats were allocated according to their ranking on party lists, giving more women the guaranteed opportunity to enter parliament. A national election commission was also appointed to organize and monitor elections. However, there were few sanctions for non-compliance, which drastically reduced the effectiveness of this system. Then in 2009, the system of seat allocation was annulled.

The effectiveness of the quota system was reduced even further in 2010 when the constitutional court ruled that seat allocation could no longer be based on how candidates were pre-ranked on party lists; instead voters would have to select candidates from party lists in an open list system, reducing the possibility of women being elected. Despite the fact that Indonesia had a female president from 2001 to 2004, the proportion of women in parliament is currently low, at 16.9 percent, with Indonesia currently ranked 88th in terms of women's political representation globally.

(Based on information from Hoodfah and Tajali 2011)

Enabling women's representation in FPTP systems

The statutory or constitutional introduction of **reserved seats** for women is a guaranteed way to boost female representation in a country which operates on the basis of FPTP. A reserved seat system can be highly effective, as evidenced by Rwanda, which boasts the highest number of female MPs in the world, at 56 percent. Yet, as noted above, reserved seats are not always appropriate and care is needed to ensure they are being deployed in ways that promote women's empowerment (see the case study from Bangladesh).

Reserving seats for women can produce tensions if not managed in a sensitive way. When reserved seats are filled by allocating women-only electoral districts, the electorate may feel their political freedom is being compromised and it may be difficult to choose which districts will be designated. Rotating women-only electoral districts for each election can provide a system that is seen to be more democratic.

The best loser system also ensures an end result of increased female political representation, when more than one candidate is standing for election and if more than one person is elected in each district. Yet this system can also be controversial because it may involve replacing a male candidate who has won a significantly higher number of seats than the incumbent female Member of Parliament. This can lead to questions of the woman's suitability and capacity to undertake the role, as well as to claims of undemocratic electoral mechanisms.

The most transparent and least controversial approach is the introduction of party quotas, either on a voluntary or a legal basis. However care is needed to ensure that women are not simply included in a tokenistic way, at the bottom of party lists where they are not likely to be considered serious candidates. A zipper system of ranking alternate male and female candidates can help to address this issue. Several parties in Myanmar are considering introducing quotas voluntarily, but it is not clear how the bias against women will be addressed in a way that will facilitate their election rather than simply including them on party lists in a tokenistic way.[54]

The example of Indonesia above shows that the presence of quotas is not sufficient to facilitate increased levels of female members of parliament. It is vital for other conditions to be in place, as discussed below.

Box 3: Building women councillors' confidence to participate in governance in Bangladesh

A reserved seats system was introduced in Bangladesh in 1972, but little progress has been made in raising the level of women's representation, with a persistent failure to reach the critical mass of 30 percent. This is largely because for many years it was considered too risky to allow women to be directly elected in the FPTP process where single candidates were nominated to represent single-member districts. Instead, the dominant parties manipulated the system, often using the reserved women's seats to boost the seats they had already won.[55]

In 1997 Bangladesh introduced direct elections to fill reserved seats for women, enabling women to be voted into office via a constituency and become political leaders. Research showed that the introduction of elected reserved seats allowed women a direct link with their constituency, helping to increase their legitimacy as representatives.

Women councillors reported a high rate of engagement with implementing development projects and involvement with local dispute resolution. About 78 percent of women surveyed had participated in budget discussions and 52 percent had suggested changes to proposals. The research indicated that the direct elections of women councillors increased their confidence to participate in political debates and claim their right to speak and be heard.[56] The election of a female prime minister in Bangladesh in 2008, Sheikh Hasina Wajed, might be taken by many as an indication of much greater gender parity in governance. Nonetheless, this success at the highest level has not translated into radically increased representation of women throughout the Bangladesh parliament. Currently there are 64 female representatives in the Bangladesh parliament, of whom 19 were directly elected and 45 were elected through the gender quota system. This amounts to only 20 percent of the total seats, putting Bangladesh 69th in a world ranking of parliamentary parity (See IPU website).[57]

Women's low political representation is largely due to strongly embedded social norms and gendered constraints, such as the lack of financial resources and associated risks like sexual harassment that often prevent Bangladeshi women from seeking public leadership roles. Furthermore, even where seats are won by women, they enter a male-dominated system where their influence is undermined and they are often unable to promote the interests of women, which can be viewed as secondary to more pressing issues.[58] So while quotas have provided opportunities to increase women's representation in Bangladesh, there is also an urgent need to address unequal power relations and build women's confidence to challenge the norms and behaviours that perpetuate them.[59]

The importance of a quota enforcement mechanism

Quotas are most effective when they are legally or constitutionally prescribed rather than voluntary, and when clear processes are in place to enforce this legislation. This means ensuring strong sanctions are applied in cases of non-compliance. It also means that a skilled and knowledgeable electoral management body (EMB) needs to oversee their application. Women's ministries should work alongside the EMB to increase accountability, while women's organizations also have an important 'watchdog' and lobbying role to play (see below). The lack of strong sanctions can mean that even when a system for promoting equitable representation exists, it will not be respected. For example, as noted above, despite the existence of a parity system in France, this is poorly enforced and therefore has not succeeded in boosting the number of women in parliament.

The vital role of women's organizations in achieving change and promoting women's representation and quotas

Evidence shows that women's collective action and organizing is vital for making gains towards gender equality.[60] Oxfam's programme work has also shown that supporting women's organizing and representation in decision making can contribute to improved outcomes such as ending violence against women and improved accountability and transparency.[61]

Women's collective action is also crucial not only for promoting the introduction of quotas, but for facilitating their appropriate design and application. Women's organizations play a key role in holding governments to account for their commitments to women's political representation,in raising awareness of quotas at community and national levels and encouraging women to vote. They can also provide direct support to women candidates, lobbying to build their constituencies, building the capacity of potential women leaders, and even helping to financially resource the campaigns of women with limited resources.[62] Women's organizations can help to provide support for those women once they have been elected to parliament – keeping them informed of local issues and concerns, contributing to strengthening appropriate practical skills, and lobbying them to ensure that gender equality and women's rights remain central to their agendas. Even when effective laws are passed, implementation can stall and attitudes can fail to change or change too slowly, and sometimes women's movements can play an important but complementary role by making progress where law has failed to deliver. The vital role of women's organizations and movements in promoting gender equality and effective representation of women in decision making should not be underestimated.

Box 4: The value of women's collective action for promoting women's representation in Sierra Leone

In Sierra Leone, the 50/50 group, the women's parliamentary caucus and the feminist movement pushed for the institutionalization of affirmative action and used their considerable bargaining power to put forward a quota proposal they felt was appropriate from their historical and political experience. They promoted a nationwide awareness-raising campaign, holding dialogues and forums between women and different stakeholders at all levels of society.[63]

The work of 50/50 and the women's movement has a long history in promoting women's representation, as it predates the elections of 2002. It was thanks to the strong role played by women's groups in bringing peace to the country by engaging opposing factions that lead to an increased acceptance of women's involvement in politics at that time. However, results were disappointing (only 18 women gained seats in the 2002 parliament) as parties did not comply with the previously agreed informal quota system for increasing the number of women candidates.

During the national elections of 2007 (with a change in the electoral system) and local elections in 2008, women's organizations remained very active. In this period Oxfam supported the 50/50 group to achieve its PACER (Promoting a Culture of Equal Representation) project objectives, which involved increasing the number of women contesting and winning more seats at parliamentary and local council levels at the 2007 and 2008 elections in two districts: Kailahun and Koinadugu.

Although there was a disappointing drop in women's representation in Kailahun, Koinadugu fielded its first-ever female parliamentary candidate in 2007 and six women were elected to the district council. Other positive results from this work included:

- PACER's engagement with paramount chiefs and other key male power holders which led to some men being more supportive of women's' political roles;
- The training provided under the project, which boosted the confidence of women candidates and elected representatives and their determination to engage in politics.

Perhaps more importantly, the work led to grassroots women beginning to change their attitude towards their own involvement in the public sphere. This particular shift is building solidarity among women, strengthening the efforts of women's organizations that have been engaged in this work for so long.

Moving beyond quantity to quality and impact of female representation

As argued here, given the right conditions, quotas can provide an effective lever for enabling increased political representation of women. However, it is important to remember that they are not a 'magic bullet'[64] – they can provide an initial entry point to ensure that there is greater gender parity in government, but this does not mean that women automatically have a louder or more persuasive political voice. If administrations are serious about changing the gender balance of political power they need also to assess and transform the implicit, deep-rooted male culture that underpins many parliamentary systems, and begin to remove other more practical barriers such as lack of money and time, and threats to the security of female candidates.

Experience reveals that, even when women are present during decision making, they will not necessarily be listened to or be truly part of processes that often happen in informal male-dominated spaces after office hours. Added to this are the often inflexible working hours that do not fit easily with the unpaid care responsibilities women politicians are often expected to assume in addition to their governmental duties.[65] Female representatives may also be concerned that promoting a women's rights agenda will undermine their political credibility or associate them too narrowly with gender-specific issues. At the same time, some women elected into government may also be associated with elites whose interests do not necessarily lie in promoting policies which benefit women. In Costa Rica one observer noted:

> *'...the passing of the quota legislation has also meant the arrival into power of many conservative women, closely connected to political and economic elites, who do not have any progressive agendas and who, in fact, act as strong opponents of the feminist movement, particularly on those issues related to sexual and reproductive rights.'*[66]

Part of tackling this effectively will come with increasing the numbers of women across government, including in departments not considered to have a primary focus on gender and women's rights. The challenge is in changing the mindset of all those in power – both women and men – so that political leaders begin to see gender equality as a vital dimension and an end goal of all policy.

While it should not be assumed that women in government will automatically support gender equality or empowerment issues, research shows that women's representation in local government has made a difference. *Panchayats* (local councils) in India found that in female-led councils, the number of drinking water projects was 62 percent higher than in male-led councils (though the path towards quotas in India has been complex – see Box 5). And in Norway, there

has been a direct causal relationship established between the representation of women in municipal councils and childcare coverage.[67]

Another related risk is that major political parties will simply view quotas as a means to boost the power of existing male leaders, resulting in the funding of political campaigns for wives, sisters and daughters of politicians who, once in parliament, often are simply mouthpieces for their male relatives.[68] This is particularly true for countries in the Asia Pacific region.[69]

Finally, enabling women's participation also means building women's capacity in leadership, increasing their confidence to participate effectively and represent their constituencies, and viewing election as the beginning of a process, rather than an endpoint. Women's and other organizations can play a role here, but it is vital for these support mechanisms to be offered within government bodies as well.

Box 5: Contradictions in attitudes to women's political representation in India

India has a well-established quota system in place at the local level. Measures to reserve two-thirds of seats in local *panchayats* and urban municipal councils, and to promote female leaders for selected village councils were passed easily in 1993. These measures have resulted in a noted increase in the number of women representatives at these levels and notable impacts that include higher aspirations and improved educational performance among girls.[70] There are also indications that the increased presence of women in local-level governance has led to lowered levels of corruption and more attention being paid to promoting women's needs.[71]

Yet there has been a very different situation at national and state levels. In 2004, only six percent of candidates were women, and only eight percent of elected MPs were women: for years the proposal to reserve 33 percent of seats in the national parliament and state assemblies was met with such fierce opposition that it had to be abandoned several times between 1993 and 2010. The strongest objections came from male caste and tribal leaders, who argued that the one-third of seats already reserved for *Dalits* (scheduled castes) and *Adjyasis* (scheduled tribes), and enshrined in the constitution, would be diverted to upper caste, educated women. Opposition also came from members of the women's movement, however, who were also concerned that reservations would only benefit already privileged women and would be tokenistic, co-opting women into a patriarchal system rather than enabling meaningful change.[72]

The eventual introduction of a new Indian Bill in 2008 that allows a third of India's 545-seat lower house and 248-seat upper house Parliament to be reserved for women is therefore highly significant. Progressive women's rights activists have seen the Bill as 'a crucial first step in breaking down the barriers women face when it comes to political participation'.[73] However, while the Bill was passed by the upper house of Parliament, it still needs to be cleared by the lower house to come into full effect.

The importance of political will for effective implementation of quotas

Legal and constitutional enshrinement of quotas is important but it does not replace the need for political will. For quotas to work there needs to be a combination of key ingredients including a vocal women's movement which supports the implementation of quotas and political will to back this from the very top of government.

Box 6: Reasons behind Rwanda's success in women's political representation

Women's political representation in parliament in Rwanda is 73.7 percent in the lower house and 38.4 percent in the upper houses, making it number one in the world for its level of female political representation. Rwanda was also the first country in the world to achieve gender parity in parliament. This is despite the fact that in 2010 it was ranked 152 out of 169 countries on the global Human Development Index for women's representation in parliament. Constitutional quotas have been a key factor in this success, but there have been other significant contributors – in particular the high level of political will and support for women's representation, clear legislation on quotas and an effective monitoring mechanism.

Rwanda has seen persistent conflict since 1959, culminating in 1994 with the genocide of 800,000 Tutsis and moderate Hutus, the two main ethnic groups. Following the devastating war, women constituted the majority of the population. There was a strong consensus that women had a vital role to play in the post-war reconstruction efforts, including at the political level. During the reconstruction, women promoted a new ideal for Rwanda built on principles of peace and forgiveness. This increased visibility earned them heightened respect and authority, and as a result women's representation rose to 25.7 percent in the transitional government. The government put in place a new gender-sensitive constitution that guaranteed women's political presence in the form of a 30 percent reserved seat quota for women and for other marginalized groups (including youth and disabled people). This resulted in the reservation of 24 parliamentary seats out of 80 for women, and the elections of 2003 saw women winning nearly 50 percent of parliamentary seats, a figure that has continued to rise.

The clarity of the quota process has helped to bolster both the election of women and the authority they hold once elected. With a proportional representation system in place, a triple balloting system is implemented in local elections, with separate ballots for general candidates, women and youth. Voters select one candidate from each ballot. Women who win seats in local elections are organized into women's councils at different administrative levels. The women's councils then elect two women from each province and one from Kigali city to government positions at senior, district and provincial levels from the women-only ballots. Women's councils operate in parallel to general councils, primarily representing women's concerns. Heads of women's councils also hold seats on a general council to ensure that women's issues are linked to the wider social and political context.

A key factor in the success of quota implementation in Rwanda has been the detailed wording in the constitution outlining the quota system and the clear election law requirement of 30 percent of women's representation at all levels. The establishment of a gender monitoring office has also ensured compliance with constitutional quotas. The Rwandan women's movement has played a vital role in raising awareness, holding government to account for the implementation of quota law and building leadership capacity.

Evidence indicates that Rwandan women MPs generally are representing women's interests more than male colleagues and when elected under the quota, are often closer to the grassroots and see their role as being to primarily represent the female population.[74]

IMPLICATIONS AND RECOMMENDATIONS FOR MYANMAR

Globally, the political representation of women remains unacceptably low. Only a tiny number of countries has achieved gender parity in government, with a world average of only 21 percent of women in parliament.[75] Within this already shockingly gender inequitable global picture, Myanmar ranks extremely low, with less than 10 percent female parliamentarians and very few women in administrative decision making positions.

As this paper has argued, quotas can provide a fast track for moving towards a critical mass of women's representation in parliament and in local-level governance. Evidence shows that, where countries are achieving higher levels of female participation in government, quotas are often an important contributing factor. The increased presence of a critical mass of women within government can provide a vital step towards more gender-aware legislation.

However it is also clear that the application of quotas is not an automatic guarantee of women's political representation. The type of electoral system and process, the degree to which quotas are taken seriously and enforced, and – above all – the level of political will and awareness within government about the importance of women's representation, all substantially influence the effectiveness and viability of quotas.

With careful planning that takes these important lessons into account and reflects the specific nature of gender inequality within a national context, it is clear that a quota system could provide a much-needed lever for enabling more gender-equitable governance in Myanmar.

Recommendations for moving towards planning and implementing quotas

- Quotas should be established as a legislative and/or constitutional mandate for all Myanmar political parties. These quotas should take the form of a stipulation for all parties that at least 30 percent of their candidates should be female. Under the current FPTP electoral system, a proportion of seats (ideally 30 percent or more) should be also be reserved for women in parliament on a constitutional basis, in order to offset the male bias of single candidate electoral processes. Any legislation relating to quotas must be clearly and carefully worded, and efforts must be made to educate the public and all political party members and leaders about these legal changes.
- The electoral monitoring body (EMB) should develop – in consultation with civil society and particularly women's organizations – a set of sanctions for non-compliance with quota regulations. This body should have the authority and capacity to implement effective monitoring of all political parties and to impose sanctions where necessary.
- It is vital to invest in building women's leadership capacity and confidence to both run for election and participate effectively in governance. Women's organizations can play a key role in these processes but also need guidance in their development and roll-out of training. Political parties and government bodies also have a responsibility to promote women's leadership and should invest in measures which will support this.
- Resources should be allocated to ensure that women from poor backgrounds without sufficient resources or adequate connections are not excluded from the possibility of running as parliamentary candidates. Active steps should be taken to encourage such women to participate in politics wherever possible, to prevent quotas being taken up solely by wealthy or upper class women. Recognizing and working to address women's responsibility for disproportionate unpaid care work as a limiting factor in their political participation should also be a priority. Limited knowledge of women's fundraising and spending compared with men is hampering the search for solutions. However, lessons can be learned from the 27

countries that have instituted electoral public funding reforms under three different categories:

  - public funding used as incentive or penalty for compliance/non-compliance with legislated electoral quota laws;
  - public funding used as an incentive to increase the number of women candidates or elected women, unrelated to legislative quota;
  - public funding earmarked for gender equality activities or interventions within the party.[76]

- It is vital to invest in the generation of evidence on gender equality and women's rights for Myanmar in a wide range of areas – crucially including gender-based violence – this evidence needs to be quantitative and qualitative.
- A campaign promoted through the media, schools and other platforms should be launched to raise public awareness of women's rights and gender equality issues and to spark debate and a desire for change. There should be a particular focus on the need for greater female political representation and on the value of quotas in enabling this. These types of activities should also be promoted at the local and community level and political parties should prioritize this as one of their objectives for engaging with the public.
- Support must be given to women's organizations so that they can promote women's leadership skills, help female candidates to build local constituencies, enable greater political awareness among local communities and the wider public, and engage in holding government to account on their commitment to implementing quotas. This should include financial support: ensuring that long-term funds are accessible for women's' organizations, including to cover their core costs.
- The Government of Myanmar has committed to implement the National Strategic Plan for the Advancement of Women (2013–2022). One of the components of the NSPAW is to create institutional mechanisms to advance the lives of women and promote women's empowerment. Given how vital women's representation and roles in national development and government are to promoting the advancement of women, serious consideration of a women's political quota system should be taken into account by the government in taking forward this national strategic plan.
- Women's political representation is highest in countries using a proportional representation system of election. If Myanmar is to move towards more representative, gender-equitable political structures and processes, serious consideration should be given to reforming the current FPTP system towards either a wholly or partially PR-focused election process (see WLB 2006). To further increase women's opportunities for election, a closed-list candidate system should be put in place.

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