

Dorota Lis-Staranowicz

University Warmia and Mazury in Olsztyn, Poland

staran@uwm.edu.pl

ORCID ID: orcid.org/0000-0002-2118-3761

Róbert Jáger

Matej Bel University in Banská Bystrica, Slovakia

robert.jager@umb.sk

ORCID ID: orcid.org/0000-0001-6763-9245

Polish, and Slovak, Women in the European Parliament: an Analysis of the Results of the Election Held in May 2019

Abstract: The objective of our paper is to analyse the political activity of Polish, and Slovak, women in EP elections; we aim to determine, among other things: whether gender quotas are a decisive factor for women's electoral success, or do other factors result in an increase/decrease in the number of female candidates and the number of women MEPs? What are the particular characteristics of women representing Poland, and Slovakia, in the EP? What was their path to the EP? Which (conservative, liberal) parties are more willing to put women forward in EP elections? Poland introduced the so-called gender quotas into the electoral system, while Slovakia does not have such legal solutions in place. However, when comparing Slovakia to the situation in Poland, it can be stated that although there is a system of election quotas in Poland, its practical implementation may be purely theoretical. In percentage terms, the number of Slovak women elected to the European Parliament (except 2019) was significantly higher than in Poland, even though there is no quota system in the Slovak Republic. The success of Polish, and Slovak, women in the elections to the EP of the 9th term is the result of many factors, which include so-called electoral engineering (quotas, gender balance, first and second places on lists), electoral strategy of a party, but above all, political and social activity of the women themselves. We consider the last factor to be determinant in this respect.

Keywords: election law, European elections, European Parliament, gender quota

Introduction

Over one hundred years ago, Polish, and Slovak women were granted electoral rights. That entitlement resulted from the activity of women themselves, who were striving for emancipation in every domain of social, economic, and political life. It was also an expression of appreciation for their merits, as they were involved in the struggle for the independence of Poland, and Czechoslovakia, in the 19th and 20th centuries. It should be emphasized that those rights were not of a superficial nature, since 7 Polish women were elected to the parliament in Warsaw in 1919, and 2 Slovak women were delegated to the parliament of Czechoslovakia in Prague in October 1918, and 10 Slovak women were delegated to the parliament in November 1918. In Czechoslovakia, however, women did not gain the right to vote until 1920¹. Since then, women have exercised the right to vote and to stand as candidates in elections. They were present, albeit with varying degrees of success, in the national parliament, in local self-government bodies, and in the European Parliament (EP). The first EP elections in Slovakia, and Poland, were held in 2004. In May 2019, the fourth elections to the European Parliament (9th term) were held in Poland, and Slovakia, to which 52 members in Poland and 14 members in Slovakia were elected. The objective of our paper is to analyse the political activity of women in EP elections; we aim to determine, among other things: whether gender (electoral) quotas (hereinafter we will use only the phrase “gender quotas”)² are a decisive factor for women’s electoral success, or do other factors result in an increase/decrease in the number of female candidates and the number of women MEPs? What are the particular characteristics of women representing Poland, and Slovakia, in the EP? What was their path to the EP? Which (conservative, liberal) parties are more willing to put women forward in EP elections?

In our paper, we compare two countries, i.e., Poland and Slovakia. In justifying this specific point of reference, it should be pointed out that: first, although the EP is a European Union institution, there is no uniform electoral law in force in all Member States³. Although the EU is taking steps to harmonize electoral law (hybrid solution),

1 M. Zemko, Volebný zákon do Poslaneckej snemovne Národného zhromaždenia za prvej Československej republiky a strany národnostných menšín, “Historický Časopis” 2008, vol. 56, pp. 81–92; Lubica Kobová, The Contexts of National and Gender Belonging: The History of Female Suffrage in Slovakia, (in:) B. Rodríguez-Ruiz, Ruth Ribino-Marín (eds.), *The Struggle for Female Suffrage in Europe: Voting to Become Citizens*, Brill 2012, pp. 225–241.

2 The use of the phrase “female quotas” can also be found in the subject literature. Due to the fact that the phrase “gender quotas” is more neutral, we prefer to use this phrase.

3 “Although the majority of member states use a specific kind of election quota solutions, each state does so in its own specific way. Some states adopted “hard” solutions with “frightening” sanctions for noncompliance, whereas others use “soft” quotas with “soft” sanctions or do not impose any sanctions. The value of quotas also varies and consequently effectiveness of the applied mechanism will differ in each case and should be individually assessed. The author’s de lege ferenda conclusion is a postulate concerning harmonisation of certain guidelines for the

it is far from adopting a common regulation and establishing one constituency. On the other hand, “[i]n many ways, the EP operates as a microcosm for the comparative study of institutional design in Europe. Although MEPs follow a common set of rules and procedures within the assembly, they are elected via systems that vary widely from country to country, and includes parties that represent the full spectrum of political beliefs present across the continent. Reflective of the EU motto, ‘United in Diversity’ EP elections provide an interesting empirical example of the various systems and peoples found across the European Union, unified within a singular institution”⁴. Second, Poland, and Slovakia, are post-communist countries that became members of the European Union only in 2004⁵. In addition, they are at a similar level of economic, social, and cultural development. Third, Poland introduced the so-called gender quotas to the electoral system, while Slovakia does not have such legal solutions in place⁶. Despite the absence of legal solutions affirmative of women in the electoral system of Slovakia, Ms. Zuzana Čaputová became the president of that country, elected by direct universal suffrage⁷.

In our paper, we have relied on conclusive reports, official documents of electoral administration bodies in Poland (State Electoral Commission) and in Slovakia (State Commission for Elections and Control of Political Party Financing), which are of a public and open nature. Our insight is based on the information and reports of the European Parliament. We also refer to the findings of the legal doctrine, gender studies, as well as to the information contained in the press. The article has been divided into three parts. In the first, we analyse the situation of women in Poland from the perspective of the elections to the European Parliament. In the second part, we outline the situation of women in Slovakia. The third part contains conclusions and summarises the analysis.

electoral law in terms of enhancing balanced gender representation in the EP, which has already been under consideration for some time” – N. Póltorak, *Gender Quotas in the Elections to the European Parliament*, (in:) E. Kuźewska, D. Kloza (eds.), *Elections to the European Parliament as a Challenge for Democracy*, Białystok 2013, p. 85.

4 A.S. Aldrich, W.T. Daniel, *The Consequences of Quotas: Assessing the Effect of Varied Gender Quotas on Legislator Experience in the European Parliament*, “*Politics & Gender*” 2020, vol. 16, pp. 738–767.

5 *Elections to EP (2004) shows: ‘On the one hand, in [...] Poland, the percentage of women MEPs was largely similar to the proportion of women in national legislatures. On the other hand, in [...] Slovakia [...] a much higher proportion of women were elected to the EP than to the national legislatures (a partial exception is Latvia in the 2004 elections)’* – see C. Chiva, *Gender, European Integration and Candidate Recruitment: The European Parliament Elections in the New EU Member States*, “*Parliamentary Affairs*” 2012, vol. 67, pp. 458–492, at 462.

6 D. M. Farrell, R. Scully, *Electing the European Parliament: How Uniform are ‘Uniform’ Electoral Systems?*, “*Journal of Common Market Studies*” 2005, vol. 43, pp. 964–984.

7 S. Walker, *Slovakia’s first female president hails victory for progressive values*, “*The Guardian*”, <https://www.theguardian.com/world/2019/mar/31/slovakia-elects-zuzana-caputova-first-female-president> (4.04.2021).

1. Polish Women in the European Parliament

1.1. Gender Quotas in Poland – the Regulation

Before proceeding to a detailed analysis, it should be noted that since 2011, the so-called female quotas have been in place in Poland. Currently, this issue is regulated by Article 211 § 3 of the Electoral Code: “Lists of candidates: 1) shall not include fewer women candidates than 35% of the number of all candidates on the list; 2) shall not include fewer male candidates than 35% of the number of all candidates on the list”. This provision obliges election committees (committees are formed by political parties, coalitions of political parties, and by voters) to place women on the lists of candidates, otherwise registration of such a list will be refused. It should be clarified that since the 1990s, women’s milieus have called for the introduction of gender balance in the electoral system in Poland. “Eventually, a successful attempt to introduce quotas across the electoral system was made in 2009 on the initiative of the newly founded Women’s Congress”⁸.

Electoral quotas in Poland directly resulted in the growth of the number of women candidates to the national parliament (Sejm) in 2011: 3,063 women sought a seat in parliament (43.54% of all candidates). The results of those elections (2011) were the best for women since 1980, as they won as many as 110 seats, or 23.91% of all seats. In subsequent elections to the national parliament held in 2015: 3,328 women sought a seat, which is 42.35% of all candidates. That year brought another electoral success for women as they won 125 seats in the Sejm (the general number of Sejm members is 460). Finally, as of January 1, 2019, the Sejm of the 8th term had as many as 131 women, which represents 28.48% of that body⁹. According to last data, as of April 1, 2021, the Sejm of the 9th term had as many as 132 women (28, 69%)¹⁰.

By changing the research perspective and moving on to the European level, the question arises whether such electoral quotas, which strengthened the participation of Polish women in the national parliament, feed through into the electoral success of women seeking a seat in the European Parliament. When searching for an answer to the question thus posed, the legal and political background of the 2019 elections should be outlined, and the results of the 2009 elections (quotas were not applicable) should be compared with the results of the 2014 and 2019 elections (quotas were already in place).

8 See more about the M. Fuszara, Poland – a success story? Political History of Introducing Gender Quota in Post-Communist Poland, “Teorija in Praksa” 2017, no. 2, p. 325; A. Bodnar, A. Sledzińska-Simon, Gender Equality from Beneath: Electoral Gender Quotas in Poland, “Canadian Journal of Law and Society” 2013, vol. 28, pp. 151–155; A. Rakowska-Trela, 100 years of women suffrage in Poland. From the fight for political rights to gender quotas, “Przegląd Prawa Konstytucyjnego” 2018, vol. 46, pp. 261–271, at 269–270; P. Uziębło, Parytety płci i kwoty na listach wyborczych – za i przeciw, „Przegląd Prawa Konstytucyjnego” 2010, vol. 1, pp. 41–49.

9 Data and statistics: National Electoral Commission.

10 Data and statistics: National Electoral Commission.

1.2. Elections to the European Parliament in 2019 – Legal and Political Background

First and foremost, legal issues of the elections to the EP are regulated by the said electoral code of 2011. It divides Poland into 13 constituencies. The right to vote is afforded to Polish citizens who reach the age of 18 no later than on election day and to other citizens of the European Union (non-nationals) who reach the age of 18 no later than on election day and permanently reside in the territory of Poland. In the elections to the European Parliament in the Republic of Poland – the right to stand in elections is afforded to a person who: a) has the right to vote and b) reaches the age of 21 no later than on election day and c) has been a resident of the Republic of Poland or of another Member State for at least 5 years.

Candidates included on a list are put forward by election committees formed by political parties or coalitions of political parties and by voters. As EP elections are based on proportional representation, committees are able to submit one list of candidates in one electoral constituency. The electoral code sets the 5% electoral threshold (a percentage determined by the number of votes achieved by a committee nation-wide), which entitles the committees to participate in the allocation of seats in the districts.

On May 26, 2019, the elections to the 9th EP were held in Poland. In total, only 9 electoral committees participated in the elections. The committees registered a total of 87 lists in 13 electoral districts. There were 866 candidates, including 404 women¹¹. The electoral threshold was met only by three election committees: the Law and Justice (Prawo i Sprawiedliwość) election committee, the Robert Biedroń's Spring (Wiosna)¹² election committee and the Coalition Election Committee of the European Coalition (Koalicja Europejska)¹³.

The first of them was established by the Law and Justice party, with an absolute majority in the national parliament. After it won the parliamentary elections in 2015, Law and Justice single-handedly formed the government which is implementing an extensive family-oriented social programme. In the traditional classification of parties, it should be located on the right side of the political scene, bringing together – according to publicists – Eurosceptics and populists¹⁴. The Spring Election

11 Data and statistics: National Electoral Commission.

12 M. Day, Gay atheist politician launches movement to take on Poland's conservative and religious establishment, *The Telegraph*, <http://www.telegraph.co.uk/news/2019/02/03/gay-atheist-politician-launches-movement-take-polands-conservative/> (10.05.2021).

13 European Coalition leaders have signed programme declaration before EU elections, <https://tvn24.pl/tvn24-news-in-english,157,m/poland-s-opposition-european-coalition-set-eu-election-campaign-slogan,924544.html> (10.05.2021).

14 J. Cienski, Poland's PiS smashes opposition in European election vote, "Politico", <https://www.politico.eu/article/poland-law-and-justice-pis-jaroslaw-kaczynski-wins-european-election> (10.05.2021).

Committee, on the other hand, is a new political and social formation established by Robert Biedroń, who is actively fighting, for example, for the rights of homosexuals in Poland and for women's right to abortion. It is positioned on the left side of the political scene. The European Coalition Election Committee was formed by the largest opposition parties representing a liberal approach to the state, law, and economy. In the traditional classification of parties, it should be located on the centre-left side of the political scene, grouping Euroenthusiasts together. In fact, the battle for the seats in the EP was fought by the Law and Justice election committee and the committee of the European Coalition.

1.3. The Results of the EP Elections and the Results of Women (2019)

The elections to the EP held in 2019, in Poland, recorded the highest turnout, which reached 45.58% and was twice as high as in the previous periods: 2004 – 20.87%; 2009 – 24.53% and 2014 – 23.83%¹⁵. Such a state of affairs may result from a strong attachment of Poles to the EU and its values, but it may also stem from the fear of Poland exiting the EU¹⁶.

462 men and 404 women stood as candidates. Women accounted for 46.65% of all candidates seeking a seat in the EP. Poles elected 52 MEPs (one seat will be filled following UK's exit from the EU), including 18 women, which constitutes 34.61% of all MEPs elected in Poland. This is the best election result achieved by women in Poland. Until then, women had not succeeded in taking up 30% of the seats either in the national parliament, or in EP elections. Is such a result of women a consequence of gender quotas?

15 Data and statistics: National Electoral Commission. See more about the political context of the election; M. Druciarek, B. Łaciak, *Kobiety w Parlamencie Europejskim Strategie partii politycznych w wyborach w 2019 roku w Polsce*, Warsaw 2019.

16 "The idea of Poland's integration with the European structures was met with a very favourable social reaction at the beginning of the 1990s, recording considerable public support in the polls reaching as high as 80%. Entering into accession negotiations and making the prospects for Poland's membership more realistic, as well as increasing concerns about the effects of accession contributed to a decrease in the number of its supporters. The lowest level of support for membership (53%) was recorded by the CBOS Public Opinion Research Center in July 2001. Upon Poland's entry into the EU, Poles were quickly relieved that bleak scenarios associated with integration did not come to pass, and the 'post-accession shock' anticipated by some did not materialize. Reduced uncertainties and waning concerns related to EU membership, and soon also increasingly more visible positive effects thereof, were the reason why in the first months following accession, public support for membership began to grow, quickly exceeding 70%. In the last 15 years, despite some fluctuations in the level of support for Poland's membership in the EU, it has remained high or very high. Since 2014, support for membership has not dropped below 80% in the surveys of the CBOS Public Opinion Research Center. In March this year, the acceptance of our country's presence in the EU reached a record level of 91%. At present, only one in twenty respondents is opposed to membership (5%)" – see B. Rogulska, *15 lat członkostwa Polski w Unii Europejskiej*, „Komunikat z Badań” 2019, vol. 59, pp. 1–27, at 1–2.

An analysis of electoral lists of three committees that met the 5% electoral threshold indicates that:

First, the Law and Justice party (electoral committee) put forth 117 candidates, including 48 women (41.02%). The committee registered 13 lists and assigned 5 first places on the list to women, which constituted 38.46% of all first places on the lists of that committee, and assigned 6 second places on the list to women, which constituted 46.15% of all second places on the lists of that committee. The committee won 27 seats, of which 11 were taken up by women (40.74%). The seats were won by women placed at the head of the list: a) 5 seats were taken up by women candidates placed first, b) 5 seats by women candidates in second position, c) 1 seat was obtained by a candidate placed third place on the list. In total, the victory of women was not solely down to the electoral quota but to their place on the list, i.e., either the first or the second one.

Second, the Committee of the European Coalition, which brings opposition parties together, put forward 130 candidates, including 66 women (50.76%). The Committee registered 13 lists and assigned only 3 first places on the list to women, which accounted for 27.08% of all first places on the lists of that committee and guaranteed 4 second places on the list to women, which represented 30.77% of all second places on the lists of that committee. It won a total of 22 seats, of which 6 were filled by women (27.73%). The electoral success was achieved by female candidates who were placed: a) first on the list – 3 seats, b) second on the list – 1 seat, c) fourth on the list – 1 seat, d) tenth on the list – 1 seat.

Third, the Spring Committee, which brings together the left-wing electorate, nominated 130 persons, including 64 women (50.76%). The Committee registered 13 lists and assigned 8 first places on the list to women, which accounts for 61.53% of all first places, and 5 second places on the list, which represents 38.46% of all second places on the lists of that committee. The committee won 3 seats, one of which was secured by a woman candidate placed first on the list (33.33%)¹⁷.

The above figures may be surprising if juxtaposed with the political scene in Poland and the results of research carried out following the EP elections in 2014. Lühiste and Kenny examined the composition of the 8th EP and came to the conclusion that: 'Overall, left-wing parties are significantly more likely to have a female representative to Brussels than right-wing parties. The magnitude of the effect is quite large, with an MEP being a woman being 18 percentage points higher for the most left-wing party compared to the most right-wing party. Hence, our data confirms the theoretical expectations of left-wing parties embracing more egalitarian ideologies and thus promoting more gender equal representation than other types of parties. While parties which are more Eurosceptic tend to be less likely to have women MEPs than more Europhile parties, these results fail to reach traditional

17 Data and statistics: National Electoral Commission.

levels of statistical significance¹⁸. Moreover, Bodnar and Śledzińska-Simon, analysing the Polish political scene, maintained that ‘the conservative parties promote the traditional role of women as mothers and homemakers, the left-wing parties treat women’s issues instrumentally’¹⁹. These assumptions cannot stand when confronted with the results of the elections to the 9th EP. In 2019, in Poland, a conservative and right-wing party Law and Justice introduced as many as 11 women to the EP, which constitutes 40.74% of all the seats it gained. Although it placed women on the lists in accordance with the applicable quotas (at least 35%), their participation did not exceed 50% of all candidates of that party (no gender balance). On the other hand, it assigned high positions on the lists to women, which seems to have translated into the electoral success of the women supported by the conservative party²⁰. In turn, the Euroenthusiastic European Coalition, composed of liberal and left-wing parties, achieved gender balance (50% of places on the list for men and 50% of places on the list for women). However, it did not award women high positions on the lists. As a consequence, it is impossible to speak of electoral success of women supported by left-liberal parties (only 27.73% of the seats won by the coalition were taken up by women). The last political force which ensured an even division of places on the lists and maintained gender balance, introduced one woman to the EP, also occupying the first position on the electoral list in Greater Poland.

The MEPs of the 9th EP who were candidates placed 4th and 10th on the lists of the European Coalition may be somewhat surprising for observers of EP elections.

18 M. Lühiste, M. Kenny, Pathways to Power: Women’s Representation in the 2014 European Parliament Elections, “European Journal of Political Research” 2016, vol. 55, pp. 626–41.

19 A. Bodnar, A. Śledzińska-Simon, Between symbolism and incrementalism: Moving forward with the gender equality project in Poland, “EUI Working Paper Law” 2015, vol. 30, pp. 1–8, at 3. “The female politicians interviewed for this case study confirmed observations from previous studies on women in politics that party ideology has a significant impact on the process of drawing up electoral lists. Left-wing and liberal parties, which focus on women’s rights in their programmes, tend to pay attention to women’s position on the lists, while conservative parties tend to abide only by the legal requirements imposed on them by gender quotas. At the time of writing this report, political parties’ lists for the European elections had not yet been prepared, but parties’ policies in previous elections are illuminating. Some left-wing and liberal parties adopted internal rules regarding how electoral lists should be created: as well as 35% gender quotas, which are legally binding, these parties voluntarily applied additional rules, such as zipping, parity among the first places on the list, and an obligation to place at least one woman and one man among the first three positions on the list and at least two women and two men among the first five positions on the list, among other measures’- see K. Mccracken, A. Fitzsimons, S. Marquez, M. Druciarek, Women in political decision-making in view of the next European elections, <http://www.europarl.europa.eu/supporting-analyses>, p. 1–60, at 42 (10.05.2021).

20 “The Polish PiS opts implicitly against measures that work towards the goal of equality between men and women, as well as against the goal of non-discrimination against LGBTQ” – see G. Falkner, G. Plattner, Populist radical right parties and EU policies: how coherent are their claims?, “EUI Working Paper RSCAS” 2018, vol. 38, pp. 1–37, at 17.

Both women have been members of the EP since 2009. Ms. Danuta Maria Hübner, professor of economics, acted as a commissioner in 2004–2009, and then became a member of the 7th and 8th EPs. She prepared Poland's accession to the EU. In turn, Ms. Elżbieta Łukacijewska, placed last on the list, won the greatest number of votes in her district. She was a member of the EP serving in the 7th and 8th terms. Hard work and a direct campaign addressed to voters was the explanation she gave for her success: 'The MEP asked what she believed to be a recipe for success in the elections replied that 'you work hard from dusk till dawn [...] We have filled out the entire calendar day by day specifying: what we do, where we are, in what group. And we work from dusk till dawn, regardless of the weather – she explained – We meet in the markets, by the greengrocers, on the street, on the buses, we are not afraid of people, and I think people appreciate it' – she added²¹. Thus, the electoral success of these female members was not ensured by their ranking on an electoral list but by their social position, which is conditioned by the personal characteristics of the members, i.e., diligence, authority, knowledge, and devotion to public issues.

It should also be added that Ms. Danuta Hübner is the oldest member, since she reached the age of 71 in the election year, while the youngest member was born in 1976 and stood as a candidate to the European Parliament at the age of 43. The average age of MEPs is over 55. This implies that a regular female MEP is a mature person who, as a rule, should have considerable life experience. All Polish women in the EP have university education and some hold academic titles and degrees. Two women were Prime Ministers and 7 acted as ministers. 13 women without experience in that body and 5 women who had previously acted as MEPs were elected to the EP. The vast majority of them were members of the national parliament, so they have long been affiliated with the Polish political scene. This confirms that a seat in the EP is a kind of political retirement²². However, three MEPs were neither former members of the government nor members of the national parliament. They did not directly engage in the internal policy of the state and entered the EP though the 'back' door. The above concerns Ms. Janina Ochojska, Magdalena Adamowicz, and Sylwia Spurek. Ms. Janina Ochojska (64) is a social activist who organized and provided humanitarian aid to besieged Sarajevo, Kazakhstan, Chechnya, Iraq, Afghanistan, Georgia, Darfur, Sri Lanka, Somalia, South Sudan, and many other countries. At the same time, she is a disabled person with seriously health issues who views her seat 'as an opportunity to show «old Europe» that the «new Europe» is able to actively and effectively contribute to providing help and that there is a great potential in this part of Europe which is worth exploiting, thus creating new development opportunities for the poorest

21 See 'Fakty po Faktach' programme broadcast on TVN 24 on May 30, 2019, <http://www.tvn24.pl>.

22 S. Hix, M. Marsh, Second-Order Effects Plus Pan-European Political Swings: An Analysis of European Parliament Elections Across Time, "Electoral Studies" 2011, vol. 30, pp. 4–15.

countries²³. In turn, Ms. Magdalena Adamowicz, a lawyer and researcher, wife of the tragically murdered Mayor of the City of Gdańsk, Paweł Adamowicz, stated when explaining her decision to run in the elections: 'I am running because of Paweł's death. In the European Parliament, I want to fight against hate speech, to which there is no limit these days. That's why it cannot be ignored but elevated to the level of the most important challenges of the European Union. I want to turn the hatred our family suffered into positive action²⁴. The youngest MEP, Sylwia Spurek, who acted as deputy of the Ombudsman, is an interesting individual. Her political and social activities are centred around reinforcing the principle of equality and measures to minimize discrimination in Poland. She is active in the LGBT environment.

1.4. Women in Elections to the EP

Legislated gender quotas first became applicable during the EP elections held in Poland in 2014. At that time, 723 men and 559 women (44%) stood as candidates. The number of candidates did not directly translate into the electoral success of women since the seats were taken up by 39 men and merely 12 women. In total, women only accounted for 23.53% of all members elected in Poland²⁵. Although thirteen election committees registered lists of candidates to the EP, only five committees reached the 5% electoral threshold and participated in the allocation of seats, but only three of them introduced women to the EP²⁶.

The first of them, the Election Committee of Law and Justice (a Eurosceptic conservative party), obtained 19 seats, of which only 3 were taken up by women (15.79%). It should be noted that the committee registered 13 district lists but placed only one woman first on the list, while on six lists it placed women second. This arrangement of the list translated into the result of women: one seat was taken up by a female candidate placed first, one seat by a woman placed second and one seat by a woman in fourth position on the list.

The election committee of the Civic Platform (Platforma Obywatelska) obtained 19 seats, but as many as 7 seats were filled by women (36.84%). The committee registered 13 district lists and placed six women in first positions and seven in second positions on the lists. All the women candidates placed first took up the seat and only one seat was filled by a candidate placed second.

23 J. Ochojska, Dlaczego kandyduję do Parlamentu Europejskiego, <https://www.pah.org.pl/janina-ochajska-dlaczego-kandyduje-do-parlamentu-europejskiego> (20.05.2021).

24 M. Szymczyk, Magdalena Adamowicz. Czyż zajmie się w Europarlamencie? "Newsweek", <https://www.newsweek.pl/polska/polityka/magdalena-adamowicz-idzie-do-parlamentu-europejskiego/1wcj51n> (21.05.2021).

25 D. Adamiec, R. Wąsowicz, Wybory do Parlamentu Europejskiego 2014. Nowe regulacje, debaty, kampania informacyjna, Warsaw 2014.

26 Data and statistics: National Electoral Commission.

The election committee of the Left gained 5 seats, of which two were taken up by women (40%). The committee registered 13 district lists, including five women in first and six in second places. Two seats were won by the candidates in first place on the list.

In the EP elections held in 2009, no gender quotas were in place. 997 men and 296 women (22.89%) stood as candidates (data: State Electoral Commission, 2009). 40 men MEPs and 10 women MEPs were elected in Poland. In total, women accounted for only 20% of all seats. Twelve election committees registered lists of candidates to the EP. Four committees reached the 5% electoral threshold and participated in the allocation of seats, but only two committees introduced women to the EP.

The election committee of the Civic Platform obtained 25 seats, of which 8 were taken up by women (32%). The committee registered 13 district lists, including only three women candidates placed first and four women candidates placed second. Three seats were won by the candidates in first places, another four seats – by women in second places on the list and one seat was taken up by a woman candidate placed third on the list.

The election committee of the Left obtained 7 seats, of which 2 were taken up by women (28.57%). The Committee registered 13 district lists, of which it assigned only three first places on the list to women and one woman was registered in second place. One seat was filled by a female candidate placed first and by one placed second.

The other two committees which reached the electoral threshold did not have their female representatives in the European Parliament. The conservative Law and Justice party won 15 seats. It registered 107 male candidates and only 23 female candidates (17.69%) in thirteen districts. It awarded women two first places and one second place on its lists, other women candidates were at the bottom of the list. In turn, the people's party won 3 seats. It registered 108 male candidates and 22 female candidates (16.92%) in thirteen districts. None of the women took the first place on the lists and only one woman was a candidate in second place²⁷.

In summary, only 20% of seats were taken up by women (10 seats) in 2009. Their electoral success was determined primarily by their position on the list, as 9 females stood as EP candidates in first and second places. As for the overall number of women candidates, it should be emphasized that it slightly exceeded 22% of all candidates. The winning women had long-standing political experience in Poland: seven of them had been members of the national parliament and one acted as minister. Two women entered the EP though the 'back' door since they were not professional politicians but social activists, closely associated with their electoral district, enjoying the strong confidence of their electorate.

27 Data and statistics: National Electoral Commission.

2. Slovak Women in the European Parliament²⁸

2.1. Gender Quotas in Slovakia – the Lack Regulation

Before 1989, women held between 20 and 30% of parliamentary seats in the parliament of the Czechoslovak Socialist Republic. There was a system of set quotas²⁹ according to the Communist Party's recommendations and decrees. Although the official policy of the Communist Party pushed for women's quotas in parliament, women only made a so-called 'complementary group'. Women could work in parliament if they met several criteria at the same time: for example, gender, age, or social class (for example, a young woman working as a worker in agriculture)³⁰. However, women's involvement in the parliament of the period was more or less formal³¹.

Unlike Poland, there is currently no legislation in the Slovak Republic laying down the minimum number of women to be included on the list of candidates for election to the National Parliament (National Council of the Slovak Republic) or the European Parliament. Similarly, there are no quotas setting a minimum number of women for the election of the President or for elections to local authorities. Thus, unlike Poland, we cannot compare how the representation of women in parliament (or other public bodies) has changed after the introduction of quotas³². Therefore, in this part of the paper, we will point out how many women were candidates for elections to the national parliament (and other bodies), and how many were successful in the elections.

28 This part of the article is the output of the grant project APVV-16-0362 Privatization of Criminal Law – the substantive, procedural, criminological, organizational, and technical aspects.

29 The quota system for women's participation in politics is not new. Theoretically, it was addressed by several authors who point to the positive and negative aspects of this system – see more A. Teutsch, *Kvóťový systém, Aspektin – feministický webzín* (2009), http://www.aspekt.sk/aspekt_in.php?content=clanok&rubrika=19&IDclanok=79 (25.05.2021). See also: R.E. Matland, K.A. Montgomery, *Women's Access to Political Power in Post-Communist Europe*, Oxford Scholarship Online, 2003; M.L. Krook, *Quotas for Women in Politics: Gender and Candidate Selection Reform Worldwide*, Oxford University Press, 2009; D. Dahlerup, L. Freidenvall, *Judging gender quotas: predictions and results*, "Policy & Politics" 2010, vol. 38; O. Blažo, H. Kováčiková, *Right for Equal Opportunity for Fair Public Contract? Human Rights in Public Procurement*, "Bialystok Legal Studies" 2019, vol. 24; A. Breczko, M. Andruszkiewicz, M., *The Question of the Value of Human Life in Theoretical Discussions and in Practice. A Legal Philosophical and Theory of Law Perspective*, "Bialystok Legal Studies" 2018, vol. 23.

30 J. Filadelfiová, *O ženách, moci a politike: úvahy, fakty, súvislosti*, (in:) J. Cviková, J. Juráňová (eds.), *Hlasy žien. Aspekty ženskej politiky*, Aspekt, Bratislava, 2002.

31 J. Filadelfiová, I. Radičová, P. Puliš, *Ženy v politike – dôsledok tranzície verejnej politiky?*, Bratislava 2000.

32 "Neither political parties nor public opinion in Slovakia is in favour of introducing voluntary or legislative quotas. None of 8 political parties represented in the parliament has voluntary quotas. Quotas and gender equality are not the important issues for the party leaders, because the party strongly advocates in favour of economic issues" – see S. Porubanová, *Gender equality policies in Slovakia*. Study, European Union 2017, p. 15.

In 1994, 1,929 candidates ran for the national parliament, while at that time the Statistical Office did not conduct surveys on how many of the candidates were men and how many were women. From the given period we have only information that out of 150 elected parliamentarians, 128 were men and 22 were women, i.e., 14.7% were women. In the 1998 elections, 1,618 candidates ran for parliament, of which 274 were women, which represents 16.9%. Out of 150 MPs, 131 were men and 19 were women, i.e., 12.7% were women. In the 2002 elections, 2,618 candidates stood for parliament, of which 604 were women, representing 23.1%. Of the 150 members of parliament, 121 were men and 29 were women, or 19.3% were women. In the 2006 elections, 2,340 candidates ran for parliament, of which 532 were women, representing 22.7%. Of the 150 parliamentarians, 120 were men and 30 were women, or 20% were women. In the 2010 elections, 2,397 candidates ran for parliament, of which 545 were women, representing 22.8%. Of the 150 members of parliament, 136 were men and 24 were women, or 16% were women. There were 2,967 candidates in the 2012 elections, of which 778 were women, which represents 26.2%. Of the 150 members of parliament, 121 were men and 29 were women, or 19.3% were women. There were 2,914 candidates in the 2016 elections, 722 of whom were women, or 24.8%. Of the 150 members of parliament, 121 were men and 29 were women, i.e., 19.3% were women³³.

Based on the above, we can state that during the existence of the Slovak Republic (after the abolition of the quota system), between 12.7% and 20% of seats in the national parliament were occupied by women. Compared to the period before 1989 when the quota system existed in Czechoslovakia, there was a significant decrease in the representation of women in parliament.

On the basis of the above, we can state that at least 16.9% and a maximum of 26.2% of candidates in the six elections to the national parliament were women. In the elections there was always a lower percentage of women elected than the number of women who ran. This is probably due to the fact that women were in the lower, more difficult-to-select, places in the candidate list. Under the law of the Slovak Republic, voters can give preference to several candidates on the list, which will increase the possibility to move higher in the list. However, most voters do not use this option and most often pass a ballot without a preferential vote, which could move (female) candidates from lower places to more easy-to-select higher places. Part of the reasons for the lower share of women elected in the number of candidate women may be the persisting conservatism and traditionalism of part of the Slovak society, according to which politics is a 'male affair'. Fortunately, in recent years, we have also seen changes in this respect. We will discuss this later in this chapter³⁴.

33 Data: State Commission for Elections and Control of Political Party Financing. See closer at <https://www.minv.sk/?ep-vysledky> (24.05.2021).

34 Data: State Commission for Elections and Control of Political Party Financing.

2.2. The Results of the EP Elections and the Results of Women (2019)

Similarly to Poland, the European Parliament elections in 2019 recorded the highest turnout ever in Slovakia³⁵. Although it was historically the highest turnout in the European Parliament elections in Slovak history, 22.74% is still only half as much as 45.58% in Poland. Although Slovakia's participation was approximately half that of Poland, it was significantly higher than in 2004, or 2014 (2004–16.96%, 2014–13.05%). This increase may have a number of justifications, which are mainly of an internal political nature. The most likely reason for the increase may be the political crisis of the strongest political party so far – SMER – social democracy. In particular, in 2018, several major scandals of this political party were revealed that caused the party to lose credibility. This may also be indicated by the fact that the political party standing in opposition to the ruling party (Koalícia Progresívne Slovensko a SPOLU – Občianska demokracia/Progressive Slovakia and TOGETHER – Civic Democracy Coalition) received the largest number of seats in the elections (4 seats out of 14). The reason may be a slow increase in preferences of the Euro-sceptical political party Kotleba – Ludová strana Naše Slovensko (Kotleba – People's Party Our Slovakia). It is the majority of the population that is sensitive to this political party, and there is a strong effort to curb its activities. Increasing turnout may also be justified by not gaining the strength of the Eurosceptic political party and the governmental political party SMER – Social Democracy³⁶.

As mentioned above, in 2019 there were 343 candidates for the European Parliament, and 81 of them were women, which represents 23.6%. A total of 14 members were elected, 3 of whom were women, which represents 21.42%. Such a low result is surprising, because in “Slovakia the rate of women's representation in the EP in 2004 and 2009 was higher than the average for all Member States (31% in the 6th parliamentary term and 35% in the 7th parliamentary term)”³⁷.

In these elections, 31 political parties stood. Only three of them had a woman in the first – leading position. Given the number of mandates given to Slovakia by MEPs, the first three candidates on the list are most likely to be elected. Of the 31 political parties, only 16 had at least one woman in the first three. Only one party had up to two women in the first three. No political party had three women in the first three. On the contrary, as many as 13 political parties had only men in the first three places.

35 O. Gyarfasova, Public's perception of the EU and turnout in the EP election, (in:) N. Bolin, K. Falasca, M. Grusell, L. Nord (eds.), *Eurolections. Leading academics on the European elections 2019*, Mittuniversitetet, Demicom, Sundsvall, Sverige 2019, p. 56.

36 Data: State Commission for Elections and Control of Political Party Financing.

37 A. Piekutowska, E. Kuźelewska, Participation of V4 Women in the European Parliament and its institutions, (in:) M. Musiał-Karg, E. Lesiewicz (eds.), *Women's role and their participation in public life of the Visegrad Countries, Poznań–Ústí nad Labem 2016*, p. 44.

An interesting fact is the result of the party that won the elections. Progressive Slovakia and TOGETHER – Civic Democracy Coalition received up to 4 mandates. On its list of candidates, men ranked first and second, women ranked third and fourth. However, only male candidates were elected. Candidates ranked first, second, sixth and seventh were chosen³⁸.

From the point of view of representation of Slovak women in the European Parliament, it is interesting that in these elections in Slovakia the highest number of votes (of all political parties) was obtained by a woman. She is MEP Monika Beňová, who received 89,472 votes in these elections. Mrs. Beňová has been a Member of the European Parliament since 2004, i.e., since Slovakia's accession to the European Union. Monika Beňová was also at the top of the list of candidates of the current ruling party SMER – Social Democracy. The above-mentioned election result of Monika Beňová may be justified by her relatively high popularity in Slovakia, as well as by voters who otherwise reject the policy of the party SMER – Social Democracy. This paradox may be justified by the fact that Monika Beňová has been based in Brussels for a long time and her person is not associated with the scandals of the ruling political party in Slovakia. Monika Beňová is the only citizen of the Slovak Republic to exercise the mandate of a Member of the European Parliament for the fourth consecutive time.

Another Slovak woman who has worked for a long time in the European Parliament was Anna Záborská. She was a nominee for the Kresťansko-demokratické hnutie (Christian Democratic Movement). She was a Member of the European Parliament for three terms: she was elected in 2004, 2009, and 2014. At the same time, Anna Záborská's presidency of the Committee on Women's Rights and Gender Equality should be mentioned. Several feminist NGOs from Slovakia and other European Union countries protested against her election and some of her statements on gender issues³⁹. In 2019, the political party of the Christian Democratic Movement did not include her on its list, and Anna Záborská stood for election on the list of political parties of the Christian Union. However, this political party did not receive any mandate in the European Parliament elections.

2.3. Women in Elections to the EP

In the European Parliament elections in Slovakia, the situation in women's representation does not differ significantly from that in the national parliamentary elections. In 2004 there were 178 candidates, and 50 of them were women, which is 28.08%. A total of 14 members were elected, 5 of whom were women, which represents 35.70%. (An interesting feature of these elections was that one political party called

38 Data: State Commission for Elections and Control of Political Party Financing.

39 J. Filadelfiová, I. Radičová, P. Puliš, *Ženy v politike – dôsledok tranzície verejnej politiky?* Bratislava 2000.

Active Women had only female candidates on its list. This political party failed in the elections). In 2009, there were 184 candidates for the European Parliament, 52 of whom were women, which represents 28.26%. A total of 13 members were elected, 5 of whom were women, which represents 38.46%. In 2014, there were 333 candidates for the European Parliament, of which 80 were women, representing 24%. A total of 13 members were elected, 4 of whom were women, which represents 30.76%. In 2019, there were 343 candidates for the European Parliament, of which 81 are women, which represents 23.6%. A total of 14 members were elected, 3 of whom were women, which represents 21.42%. It is also significant that women do not occupy the top positions for the European Parliament for the long term (the first three). These prestigious positions are increasingly dominated by male candidates⁴⁰.

On the basis of the above, we can state that a slightly higher percentage of women stood in the European Parliament elections than in the national parliament of the Slovak Republic. At the same time, we can also state that there is a slightly higher percentage of women in the European Parliament than in the national parliament of the Slovak Republic. Based on the fact that voter turnouts in Slovakia have been some of the lowest in the whole history of European Parliament elections (2004–16.96%, 2009–19.63%, 2014–13.05%, 2019–22.74%) , it is difficult to correlate the results of the representation of women in the national parliament and the European Parliament. Any finding of a correlation between the number of women in the national parliament and the European Parliament would be speculation.

Conclusion

First, the EP elections (2019) show that the number of Polish women MEPs is increasing. This is a continuing trend, which is confirmed by four electoral periods of 2004, 2009, 2014 and 2019. The last election proved successful for women, who won 34.61% of seats in Poland. The situation in Slovakia is slightly different. In 2004 and 2009, the representation of Slovak women in the EP had an increasing trend and was significantly higher than in Poland. In 2014 and 2019, the representation of women in the EP slightly decreased not only in relation to the Slovak results in the previous period, but also in comparison with the results in Poland. Aldrich and Daniel came to the conclusion that: “we found that national quotas can reduce differences between MEP gender and background qualities and that placement mandates are even more effective at erasing differences between male and female MEPs, in terms of their prior experience. This finding suggests that quotas may remove some barriers to entry that women typically face when deciding to run for office, help to promote women with

40 Data: State Commission for Elections and Control of Political Party Financing.

prior political experience to further positions, and also raise the number of politically experienced representatives at the European level⁴¹”.

Poland: women in European Parliament			Slovakia: women in European Parliament		
2019 gender quotas	404 female candidates	46.65% total candidates	2019 no quotas	81 female candidates	23.6% total candidates
	18 seats	34.61% total seats		3 seats	21.42% total seats
2014 gender quotas	559 female candidates	44%	2014 no quotas	80 female candidates	24%
	12 seats	23.53%		4 seats	30.76%
2009 no quotas	296 female candidates	22.89%	2009 no quotas	52 female candidates	28.26%
	10 seats	20%		5 seats	38.46%
2004 no quotas; first election to the EP	444 female candidates	23.52 %	2004 no quotas; first election to the EP	50 female candidates	28.08%
	7 seats	12.96%		5 seats	35.70%

Source: National Electoral Commission in Poland, own calculations. State Commission for Elections and Control of Political Party Financing, own calculations.

Second, electoral quotas do not translate directly into the electoral success of women. They are merely a reason why the number of women candidates has increased. The success of women is determined by other factors, for example, the analysis of the election results of 2019 and 2014 confirms that first and second positions on the lists are a means to victory. The vast majority of parliamentarians were candidates either in first or second places. The electoral success of the women who stood as candidates in lower places (third, fourth and tenth) was ensured by their personal commitment, as well as by the authority they enjoy among voters. In other words, they won the elections through their hard work and perseverance.

Third, the EP elections held in Poland contradicts the argument that conservative parties are not willing to allow women into the world of politics. The electoral committee of the conservative “Law and Justice” party won 27 seats, out of which 11 were taken up by women, who in the vast majority were placed either first or second on the lists. Only one MEP was a candidate in third position. Her victory was sealed, since as the Minister of Family, Labour, and Social Policy she introduced the popular 500 plus child subsidy programme in Poland. It seems that the electoral strategy of the conservative party was to place on the lists either women MEPs or incumbent female ministers who, after winning the elections, resigned from their government

41 A.S. Aldrich, W.T. Daniel, The Consequences of Quotas: Assessing the Effect of Varied Gender Quotas on Legislator Experience in the European Parliament, “Politics & Gender” 2020, vol. 16, <https://nottingham-repository.worktribe.com/output/3020855/the-consequences-of-quotas-assessing-the-effect-of-varied-gender-quotas-on-legislator-experience-in-the-european-parliamentfile>, p. 21 (10.03.2021).

posts. In turn, the electoral committee of the liberal-leftist European Coalition won 22 seats, of which only 6 were taken up by women. It is worth emphasizing that it assigned only three first places to women.

The same also applies in Slovakia: the position on the list of candidates is a guarantee of success in the EP elections. The first two or three candidates have the best chance of winning. In principle, it is not important whether the candidate is male or female. The exception is the above-mentioned example of the Progressive Slovakia and TOGETHER – Civic Democracy Coalition, which won the most seats in the given elections (4 seats). On the list of candidates, men ranked first and second, women ranked third and fourth. However, only male candidates were elected. Candidates ranked first, second, sixth and seventh were chosen. This is particularly striking because it is a party that, in its policy statement, builds on the principles of gender equality, and therefore has placed just two female candidates at the forefront. At the same time, whilst voters of this party seem to identify with the programme of ‘necessary changes in Slovak politics’, they do not fully agree with its policy of ‘gender equality’. At the same time, as in Poland, not all conservative political parties are willing to allow women to enter the political world. On the basis of the above, it can be concluded that some generally expressed views may show considerable variations in the practice of particular countries.

Percentage rate of seats taken by women according to party affiliation (%) in Poland			Percentage rate of seats taken by women according to party affiliation (%) in Slovakia		
2019	the right-wing party	40.74% total seats obtained by a party	2019	the right-wing party	20% total seats obtained by a party
	the liberal-wing party	30.70%		the liberal-wing party	50%
	the left-wing party	33.33%		the left-wing party	14.28%
2014	the right-wing party	15.79%	2014	the right-wing party	28.57%
	the liberal-wing party	36.84%		the liberal-wing party	0%
	the left-wing party	40.00%		the left-wing party	25%
2009	the right-wing party	0%	2009	the right-wing party	33,33%
	the liberal-wing party	32%		the liberal-wing party	60%
	the left-wing party	28.57%		the left-wing party	0%

Source: National Electoral Commission in Poland, own calculations. State Commission for Elections and Control of Political Party Financing, own calculations.

Fourth, public opinion polls indicate strong social support for Poland’s membership of the EU (90% of the population have a positive view on Poland’s membership in the EU), which directly translates into an increase in voter turnout in Poland. On the other hand, a certain paradox may be observed that in a society of

Euroenthusiasts, the elections to the EP were won by a conservative party, known as a party of Eurosceptics. Moreover, high voter turnout in 2019 may indicate that Poles ceased to view the EP elections as second-order elections⁴², and that a seat in the EP does not have to be equated to political retirement.

At the same time, support for EU membership is also increasing in Slovakia. According to Barometer surveys from 2018, support for Slovakia's membership in the EU was 77%, which represents a historically clear and growing support. This is also reflected in the increased interest of Slovaks in the EP elections. Although the participation of Slovaks in the elections in 2019 is one of the lowest in the EU, in Slovak terms it was the highest for the whole period of Slovakia's EU membership. Slovak MEPs are largely positively evaluated in Slovakia, and their image is not tainted by scandals (at least not as much as the national parliamentarians).

Turnout in Poland		Turnout in Slovakia	
2019	45.58%	2019	22.74%
2014	23.83%	2014	13.05%
2009	24.53%	2009	19.63%
2004	20.87%	2004	16.96%

Source: National Electoral Commission in Poland. State Commission for Elections and Control of Political Party Financing.

Although there is currently no quota system in Slovakia for either national parliamentary or European parliamentary elections, we can see that after the abolition of the quota system for women (which existed in the national parliamentary elections before 1989), the representation of women in the national parliament has decreased. However, it is surprising that relatively more women were elected in the European Parliament elections than to the national parliament. This fact can be justified, among other things, by the fact that the European Parliament is 'distant' from the internal political problems of the Slovak Republic, which may discourage women from actively participating in Slovak politics.

However, when compared to the situation in Poland, it can be stated that although there is a system of election quotas in Poland, its practical implementation of gender quotas may be purely theoretical. In percentage terms, the number of Slovak women elected to the European Parliament (except 2019) was significantly higher than in Poland, even though there is no quota system in the Slovak Republic. If Polish legislation does not move to the point that it is not enough only to place

42 A. Jackiewicz, Wpływ terminu wyborów do Parlamentu Europejskiego na frekwencję wyborczą - zarys problematyki, (in:) M. Dąbrowski, J. Juchniewicz (eds.), *Problemy Konstytucyjne*, Olsztyn 2015, p. 112.

a certain number of women on the electoral list, but also to allow them to be placed in an easy-to-elect position, the quota system in Poland remains a gesture without serious changes in practice. By comparing the systems of elections in Poland, and Slovakia, we can see that even without the statutory obligation to allow a specified number of women to stand on the list, the result (in the form of a selected number of women) can be achieved.

In conclusion, gender quotas directly increases the number of female candidates, but other factors also have influence on women's electoral success. Such conclusions derive from comparing the results of elections to the European Parliament in Poland (2019), and Slovakia (2004). In Poland, women constituted almost 47% of all candidates and they obtained 34.61% of seats. In Slovakia, women accounted for 28% of all candidates and won 35.70% of the seats. The success of women in the elections is the result of many factors, which include the so-called electoral engineering (quotas, gender balance, first and second places on lists), electoral strategy of a party, but above all, political, and social activity of the women themselves. We consider the last factor to be determinant in this respect.

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