The Impact of Positive Discrimination Legislative Measures on Gender Equality Within EU Member States

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Abstract

Gender equality is the basis of a healthy and developed society, ensuring the necessary balance for sustainable socio-economic development. To achieve this goal, some European states have adopted positive discrimination measures against women, some of which are manifested by the introduction of mandatory gender quotas in national legislation. The article examines the extent to which the introduction of gender quotas within the EU Member States' national legislation has led to an increase in women's representativeness between 2013 and 2025 in the fields of politics, education, or education and research. Compared to the result of the research, the article draws attention to the imbalances that these policies can produce, which give rise to inequities incompatible with democracy and the rule of law, the pillars of sustainable development. The article also suggests that only a healthy education in the spirit of European values as well as measures to ensure equal opportunities can ensure the goal of gender equality.

Keywords: *feminism, gender stereotypes, equality, positive discrimination, gender quotas*

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1. Introduction

Gender equality is a fundamental value of the European Union that underpins a

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healthy society, ensuring the necessary balance for sustainable socio-economic development. For the stated purpose of ensuring gender equality, the Member States have agreed to promote certain so-called positive policies for the inclusion of women in different sectors of life, one of the adopted measures being the introduction of gender quotas. The question tried to answer was whether the adoption of some legislations that impose mandatory gender quotas in different fields of activity has proven their effectiveness in the political, economic, or research fields and to what extent they have contributed to increasing the number of women in these fields. The article analyses how these policies can lead to positive outcomes in the political, economic and educational sectors, which are in line with gender mainstreaming intentions. In this regard, information was collected on the evolution of gender political, economic, and research sectors between 2013 and 2025 in the EU Member States that adopted gender quotas as well as in the Member States that did not adopt gender quotas. Data was compared to verify whether these measures had the intended effect of increasing women's representation in the fields mentioned.

Concerning the measured results, the article draws attention to the imbalances that these policies can produce, both at the micro (personal) and macro (social) levels, showing that only legislative measures coupled with a healthy education, in the spirit of European values, which cultivate the policy of equality, meritocracy and discourage contemptuous attitudes towards women's capacities, as well as measures to ensure equal opportunities, can ensure the goal of gender equality. The purpose of this analysis is to enable policymakers to take informed action on gender policy by showing the effects of current positive discrimination measures adopted in the form of gender quotas.

By relying on previously published materials, this methodology allows for a comprehensive understanding of the research topic while efficiently utilizing available resources[5]. Furthermore, the credibility of all sources was investigated, and attention was given to peer-reviewed academic journals, governmental sources, and recognized research institutions[6]. Boolean operators are logical connectors utilized in database searches and programming to enhance search results and optimize information retrieval[7]. The most common Boolean operators are AND, OR, and NOT and they allowed authors to combine or exclude specific keywords to narrow or broaden search results, making it easier to find relevant information. Sources were excluded if they did not meet the credibility requirements or focused on unrelated aspects outside the scope of identifying the effectiveness of the introduction of legislative quotas and the relationship with the Gender Index[8]. Besides this, codes of the relevant information were developed in a repetitive procedure to capture both anticipated and unexpected

[5] Alan Bryman, *Social Research Methods*, 5th ed. (Oxford: Oxford University Press, 2016), 90.
[6] John W. Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 5th ed. (Thousand Oaks, CA: SAGE Publications, 2018), https://books.google.com/books?id=335ZDwAAQBAJ.
[7] Andrew Booth, Anthea Sutton, and Diana Papaioannou, *Systematic Approaches to a Successful Literature Review*, 2nd ed. (Los Angeles: SAGE Publications, 2016), 118.
[8] Robert K. Yin, *Case Study Research and Applications: Design and Methods*, 6th ed. (Los Angeles: SAGE Publications, 2018), https://opac.atmaluhur.ac.id/uploaded_files/temporary/DigitalCollection/YTE3NDlmYTY0ZjE2MDA5ODE4NGI1Y2FhMjdkMjRmYWNkMDA2MTVhOQ==.pdf.

insights related to the effectiveness of positive discrimination against women in the political, economic, and research sectors[9]. The major themes represented key areas of focus within existing literature and formed the foundation for synthesis in the discussion section[10]. Once grouped, themes were synthesized and interpreted to draw connections between findings, identifying trends, gaps, and areas of consensus or disagreement within the field[11]. The scope of the analysis may be impacted by underrepresented or out-of-date data in some parts of the subject. Furthermore, possible biases in secondary sources limit desk research and could compromise the impartiality of findings[12].

2. Feminism and Gender Stereotypes

Since the modern era, people have begun to realize that inequality does not have to differentiate one from another before the law. This fundamental idea has been transposed into Article 1 of the Universal Declaration of Human Rights[13] which states that all individuals are born free and equal in dignity and rights. Shortly after this Declaration, the European Convention on Human Rights (Council of Europe 2024), the gold standard of EU human rights law[14], was adopted.

Gender equality is a fundamental right and one of the principles of the EU, currently enshrined in art. 3 al. 3 of the EU Treaty and art. 8 of the Treaty on the Functioning of the EU, both of which have EU constitutional value, in European Directives and Resolutions. The Charter of Fundamental Rights of the European Union also enshrines equality between women and men in all areas of art. 23. At the national level, gender equality is guaranteed by Art. 16 of the Constitution, Law No 202/2002 on equal opportunity and equal treatment between women and men and several government ordinances and decisions on specific areas.

To ensure equality, members of society first need to be aware of the multiple differentiations that are made in society on this criterion, many of which not even being recognized by the victims of such discrimination. In this respect, an example is the case of Romania, which is a predominantly rural country (40% of women in Romania live

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[9] Virginia Braun and Victoria Clarke, "Thematic Analysis," in *APA Handbook of Research Methods in Psychology, vol. 2, Research Designs: Quantitative, Qualitative, Neuropsychological, and Biological*, ed. Harris Cooper, Paul M. Camic, Debra L. Long, A. T. Panter, David Rindskopf, and Kenneth J. Sher (Washington, DC: American Psychological Association, 2012), 57–71, https://doi.org/10.1037/13620-004.

[10] Rachel L. Shaw, "Identifying and Synthesizing Qualitative Literature," in *Qualitative Research Methods in Mental Health and Psychotherapy: A Guide for Students and Practitioners*, ed. David Harper and Andrew R. Thompson (Chichester: Wiley-Blackwell, 2011), 14, https://doi.org/10.1002/9781119973249.ch2.

[11] Michael Quinn Patton, *Qualitative Research & Evaluation Methods*, 3rd ed. (Thousand Oaks, CA: SAGE Publications, 2002), pt. 3.

[12] Colin Robson and Kieran McCartan, *Real World Research*, 4th ed. (Chichester: Wiley, 2016).

[13] United Nations General Assembly, *Universal Declaration of Human Rights*, General Assembly Resolution 217 A (III), December 10, 1948, accessed January 25, 2023, https://www.un.org/en/about-us/universal-declaration-of-human-rights.

[14] Csongor István Nagy, "The Diagonal Application of the EU Charter of Fundamental Rights: From 'Displacement' through 'Agency' to 'Scope' and Beyond," *German Law Journal* 25, no. 2 (2024): 155-184, https://doi.org/10.1017/glj.2023.94.

in rural areas), where traditionalism and religion are deeply rooted and are part of people's spirit. Traditionally, women had an inferior status to men, which they have appropriated and has come to define them. Submission is preached by religion and claimed by traditional families. Unfortunately, many women uncritically accept such stereotypes and end up appropriating them and behaving accordingly, „as a natural part of their personality, thereby creating a self-fulfilling prophecy by believing it, they enact it".[15] Even if a woman was motivated enough to fight against such a stereotype, she would have to make a double effort, fighting also against those who would be less willing to trust and accept her in such a role. This is because "men have less incentive to abandon these stereotypes and leave the status quo after viewing counter-stereotypical images because doing so would mean moving away from privilege and status"[16]. Gender stereotypes are particularly prevalent among women in managerial positions. This is because, in the mentality of many of the voters, a political leader or an administrative leader must be a strong person, capable of dominating others. However, the view is still prevalent that domination, autonomy, aggression, exposure, and achievement are associated with men, while care, help, deference, and humiliation are associated with women.[17]

The European Parliament has proposed a reform of the European Electoral Act of 1976 intending to combat gender inequality. To this end, the mandatory use of "zipper quotas" (i.e. lists alternating male and female candidates) was proposed. The proposal was rejected by the overwhelmingly male Council. This demonstrates, on the one hand, a lack of real will to change and, on the other hand, a lack of consensus on how to tackle gender identity, even within the EU's governing bodies, due to the politicization of gender equality and morality issue.[18]

In the current European Parliament, the percentage of MEPs varies between 15% in Romania and 67% in Luxembourg.[19] According to the Gender Equality Index 2025 report[20], between 2020-2024 gender inequalities have increased in the political decision-making area, with the proportion of women in Parliament being 20%.

Many programs promoting gender equality require considerable financial and

[15] Judith Worell and Dawn M. Johnson, "Feminist Approaches to Psychotherapy," in *Encyclopedia of Women and Gender: Sex Similarities and Differences and the Impact of Society on Gender*, vol. 1, ed. Judith Worell (San Diego: Academic Press, 2001), 431, 425–437.

[16] L. Monique Ward and Allison Caruthers, "Media Influences," in *Encyclopedia of Women and Gender: Sex Similarities and Differences and the Impact of Society on Gender*, vol. 2, ed. Judith Worell (San Diego: Academic Press, 2001), 698, 687–701

[17] Denise M. DeZolt and Stephen H. Hull, "Classroom and School Climate," in *Encyclopedia of Women and Gender: Sex Similarities and Differences and the Impact of Society on Gender*, vol. 1, ed. Judith Worell (San Diego: Academic Press, 2001), 257–264.

[18] Petra Ahrens, Petra Meier, and Lise Rolandsen Agustín, "The European Parliament and Gender Equality: An Analysis of Achievements Based on the Concept of Power," *JCMS: Journal of Common Market Studies* 61, no. 4 (2023): 1065–1081, https://doi.org/10.1111/jcms.13446.

[19] Ionel Zamfir, *Women in Politics in the EU: State of Play in 2024* (Brussels: European Parliamentary Research Service, March 2024), PE 760.348, https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760348/EPRS_BRI(2024)760348_EN.pdf.

[20] European Institute for Gender Equality, *Gender Equality Index 2025: European Union* (2025), accessed February 4, 2026, https://eige.europa.eu/modules/custom/eige_gei/app/content/downloads/fact sheets/EU_2025_factsheet.pdf.

human resources. The Citizens, Equality, Rights, and Values program under the multiannual financial Framework 2021-2027 and NextGenerationEU pays particular attention to gender equality and allocates funds of up to €1.55 billion for the implementation of programs to ensure that this goal is achieved. However, these funds must be accessed through projects and programs developed by Member States and then implemented through national internal bodies. As far as Romania is concerned, the Ministry of Investments and European Projects, has launched the "Equality, rights and gender equality"[21] program worth a maximum of 53 million euros, but so far there is no results. Governmental or non-governmental bodies, agencies, or organizations have limited competencies, interests, and human resources, which reduces the impact of promotional measures at the European level.

Gender equality is not just an idea or a principle, but a pillar of democracy and progress. The promotion and implementation of gender equality policy brings several benefits in various sectors of life. Creating a gender balance in organizational structures has consequences for their characteristics. In a body where women are equally represented there are big chances to adopt egalitarian measures and policies and implicitly promote gender equality. For example, a comparative study conducted between 2019 and 2024 on subjects in Canada, Portugal, Switzerland, and Romania showed that men are less interested in gender identity issues, considering this to be a policy area that should primarily concern women.[22] The feminist movement has played an important role in raising awareness of discrimination and adopting these measures aimed at reducing the extent of discrimination but has also led to some negative reactions, questioning gender equality policies and arguing that men are victims of discrimination.[23]

3. Positive Discrimination Against Women

The flip side of gender equality is discrimination. The latter essentially involves making an unjustifiable distinction based on any of the reasons listed in the Charter of Fundamental Rights. Traditionally, the concept of discrimination has negative connotations. Paradoxically, discrimination can also be positive, and it is represented by those favorable measures taken towards certain categories in a disadvantaged position. Positive discrimination must be analyzed both in terms of politics and employment and access to education because the former depends heavily on the latter.[24]

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[21] Oportunități de finanțare UE, "Egalitate, drepturi și egalitate de gen," accessed February 4, 2026, https://oportunitati-ue.gov.ro/program/programul-cetateni-egalitate-drepturi-si-valori/egalitate-drepturi-si-egalitate-de-gen/.

[22] Daniel Höhmann, "For Women Only? Politicians' Attitudes towards Men's Role in Gender Equality Representation," *West European Politics* 48, no. 4 (2025): 740–766, https://doi.org/10.1080/01402382.2024.2325797.

[23] Alexandra Vázquez, Lucía López-Rodríguez, and Marco Brambilla, "Acknowledging That Men Are Moral and Harmed by Gender Stereotypes Increases Men's Willingness to Engage in Collective Action on Behalf of Women," *Sex Roles* 90, no. 3 (2024): 417–443, https://doi.org/10.1007/s11199-024-01444-7.

[24] Christopher L. Aberson, "Predicting Support for Affirmative Action in Educational Admissions," *Social Justice Research* 34, no. 2 (2021): 196–217, https://doi.org/10.1007/s11211-021-00366-z.

The serious debate regarding the theoretical justification of affirmative action began in the United States in the 1970s, after the famous theory of justice was published by philosopher John Rawls[25]. There have been so many discussions in the United States around the subject that it has been said that „affirmative action is so burning it's boring .... partly because so much of what one sees and hears on the subject smacks of hypocrisy or speaking in code".[26] The U.S. Supreme Court has ruled strongly against affirmative action but has tolerated it in limited circumstances.[27] There must be a clear connection between the discriminatory action and the benefit to the disadvantaged in the specific context at issue and these criteria resemble the U.S. Supreme Court's restrictive standards for voluntary affirmative action.[28]

In the European Union, affirmative action is legally enshrined in the Fundamental Charter of Human Rights, which stipulates in art. 23 al. 2 that "the principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favor of the under-represented sex."

Although the European Parliament once considered affirmative action to be an immoral form of discrimination because it undermines a fundamental value on which the European Union is founded, namely equality[29], it is often used as a policy of "rewarding" or "consoling" women for the injustices they are subject to.

In the analysis of cases in which problems relating to positive discrimination were raised, the European Court of Justice "endows affirmative action with both a wide compensatory purpose (to remedy women's deficit in prospects regardless of individual's history) as well as a distributive objective, namely, to readjust the distribution of positions to match better the desired gender composition that the workforce would have had in the absence of any societal discrimination".[30]The European Court of Justice ruled for the first time on the compatibility with EU law of positive discrimination measures against women in the workplace in *Eckhard Kalanke v. Freie Hansestadt Bremen*, in which it stated that „article 2(1) and (4) of Council Directive 76/207 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions precludes national rules which, where candidates of different sexes shortlisted for promotion are equally qualified, automatically give priority to women in sectors where they are under-represented, under-representation being deemed to exist when women do not make up at least half of the staff in the individual pay brackets in

[25] Vázquez, López-Rodríguez, and Brambilla, "Acknowledging That Men Are Moral," 425.
[26] Jed Rubenfeld, "Affirmative Action," *The Yale Law Journal* 107, no. 2 (1997): 427–472, https://doi.org/10.2307/797356.
[27] *Grutter v. Bollinger*, 539 U.S. 306 (2003), cited in Mark S. Kende, *Constitutional Rights in Two Worlds: South Africa and the United States* (Cambridge: Cambridge University Press, 2009), 13, https://doi.org/10.1017/CBO9780511576010.
[28] *City of Richmond v. J. A. Croson Co.*, 488 U.S. 469 (1989), cited in Kende, *Constitutional Rights in Two Worlds*, 101.
[29] European Parliament, *Motion for a Resolution on Banning Ethnocultural "Positive Discrimination" in Europe*, B9-0354/2023, July 12, 2023, accessed February 4, 2026, https://www.europarl.europa.eu/doceo/document/B-9-2023-0354_EN.html.
[30] Louis Charpentier, "The European Court of Justice and the Rhetoric of Affirmative Action," *European Law Journal* 4, no. 2 (1998): 192, 167–195; https://doi.org/10.1111/1468-0386.00048.

the relevant personnel group or the function levels provided for in the organization chart".[31]Also in Hellmut Marschall v Land Nordrhein-Westfalen[32] the European Court of Justice ruled, in essence, that "a national rule which, in a case where there are fewer women than men at the level of the relevant post in a sector of the public service and both female and male candidates for the post are equally qualified in terms of their suitability, competence and professional performance, requires that priority be given to the promotion of female candidates...", with some exceptions mentioned within the decision. These decisions of the European Court of Justice cannot be viewed independently of the debates that have taken place worldwide on this subject. For this reason, it was argued that "Marschall is not, of course, the only recent case in which international, rather than European, human rights standards were relevant to the resolution of an equality dispute in Community law".[33]

The European Convention on Human Rights, similarly, permits some affirmative action to secure substantive rather than merely formal equality.[34] The European Court of Human Rights ruled in several cases that "very weighty reasons" had to be put forward before such a difference in treatment could be regarded as compatible with the Convention.[35] Article 14 may be triggered where States, without an objective and reasonable justification, fail to treat people whose situations are significantly different.[36] Thus, alongside the negative obligation incumbent on member States not to discriminate, the Court has also found that, in certain circumstances, Article 14 may imply "positive obligations" on States to prevent, stop or punish discrimination, which can include so-called "positive measures", or "reverse discrimination", "positive action" or "affirmative action" that a State could or should

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[31] Court of Justice of the European Union, judgment of October 17, 1995, *Eckhard Kalanke v. Freie Hansestadt Bremen*, Case C-450/93, ECLI:EU:C:1995:322, [1995] ECR I-3051, accessed February 4, 2026, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61993CJ0450.

[32] Court of Justice of the European Union, judgment of November 11, 1997, *Hellmut Marschall v. Land Nordrhein-Westfalen*, Case C-409/95, ECLI:EU:C:1997:533, [1997] ECR I-6363, accessed February 4, 2026, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61995CJ0409.

[33] Ursula O'Hare, "Equality and Affirmative Action in International Human Rights Law and Its Relevance to the European Union," *International Journal of Discrimination and the Law* 4, no. 1 (2000): 3–45, https://doi.org/10.1177/135822910000400102.

[34] Aileen McHarg and Donald Nicolson, "Justifying Affirmative Action: Perception and Reality," *Journal of Law and Society* 33, no. 1 (2006): 1–23, https://doi.org/10.1111/j.1467-6478.2006.00344.x.

[35] European Court of Human Rights, *Abdulaziz, Cabales and Balkandali v. the United Kingdom* (1985), para. 78; *Burghartz v. Switzerland* (1994), para. 27; *Schuler-Zgraggen v. Switzerland* (1993), para. 67; *Konstantin Markin v. Russia* [GC] (2012), para. 127; *J.D. and A. v. the United Kingdom* (2019), para. 89; and *Beeler v. Switzerland* [GC] (2022), para. 95, cited in European Court of Human Rights, *Guide on Article 14 of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention: Prohibition of Discrimination*, updated August 31, 2025, https://ks.echr.coe.int/documents/d/echr-ks/guide_art_14_art_1_protocol_12_eng, accessed February 4, 2026.

[36] European Court of Human Rights, *Abdu v. Bulgaria* (2014); *Eweida and Others v. the United Kingdom* (2013), para. 87; *Pretty v. the United Kingdom* (2002), para. 88; and *Thlimmenos v. Greece* [GC] (2000), para. 44, cited in European Court of Human Rights, *Guide on Article 14 of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention: Prohibition of Discrimination*, updated August 31, 2025, https://ks.echr.coe.int/documents/d/echr-ks/guide_art_14_art_1_protocol_12_eng, accessed February 4, 2026.

adopt to correct "factual inequalities".[37]

Finally, negative nuances linked to positive discrimination must also be emphasized, which, in our opinion, cannot cancel out the arguments put forward previously in favor of these measures. Even though legislation has been passed to give women an advantage in jobs or management positions in organizations, it has been found that it has not produced immediate effects and, for a long time there remained areas in which women were un-der-represented. The explanation is that it is not enough to adopt a good legislative framework, because there are much deeper institutional and ideological forces that contribute to discrimination.[38] This debate has also included the desire of some politicians to gain some political capital from the subject.[39]

At the same time, it can't be ignored that positive discrimination generates negative effects both on the beneficiary and on the other members of society. Regarding the effects on the beneficiary, for example, a study on the self-perception of the beneficiary of positive discrimination was conducted which showed that women underestimated their qualities when they were appointed on a gender basis and did not receive information about their abilities.[40] Women who are subject to positive discrimination may experience a decrease in self-esteem because "relational egalitarians have reason to care about (dis)esteem; because esteeming, and disesteeming, confers burdens and benefits".[41] As for the effects on others, some studies also show the fact that "the implementation of quotas is often met by a backlash from employees"[42], and others rate women chosen on a gender basis as less competent than those chosen on their merits.[43] One study showed that "when a group is favored with certainty and the social identity that triggers affirmative action is made salient, affirmed individuals are wrongly perceived as less competent, both by themselves and by others".[44]

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[37] European Court of Human Rights, *Pla and Puncernau v. Andorra* (2004), para. 62, and *Horváth and Kiss v. Hungary* (2013), para. 104, cited in European Court of Human Rights, *Guide on Article 14 of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention: Prohibition of Discrimination*, updated August 31, 2025, https://ks.echr.coe.int/documents/d/echr-ks/guide_art_14_art_1_protocol_12_eng, accessed February 4, 2026.

[38] Deborah L. Rhode, *Justice and Gender: Sex Discrimination and the Law* (Cambridge, MA: Harvard University Press, 1991), 176.

[39] Cecilia Blondet, "The 'Devil's Deal': Women's Political Participation and Authoritarianism in Peru," in *Gender Justice, Development, and Rights*, ed. Maxine Molyneux and Shahra Razavi (Oxford: Oxford University Press, 2002), 298, https://doi.org/10.1093/0199256454.003.0009.

[40] Madeline E. Heilman, J. Carlos Rivero, and Joan F. Brett, "Skirting the Competence Issue: Effects of Sex-Based Preferential Selection on Task Choices of Women and Men," *Journal of Applied Psychology* 76, no. 1 (1991): 99–105, https://doi.org/10.1037/0021-9010.76.1.99.

[41] Andreas Bengtson and Lauritz Aastrup Munch, "Doxastic Affirmative Action," *Ethical Theory and Moral Practice* 27 (2024): 203–220, https://doi.org/10.1007/s10677-023-10408-x.

[42] Nikola Komlenac, Liora Neugebauer, Jennifer Birke, and Margarethe Hochleitner, "All Employees Benefit: Arguments That Help Increase Support for Affirmative Action in Academic Careers," *Humanities and Social Sciences Communications* 10 (2023): article 981, https://doi.org/10.1057/s41599-023-02508-x.

[43] Madeline E. Heilman, Winston F. McCullough, and David Gilbert, "The Other Side of Affirmative Action: Reactions of Nonbeneficiaries to Sex-Based Preferential Selection," *Journal of Applied Psychology* 81, no. 4 (1996): 346–357, https://doi.org/10.1037/0021-9010.81.4.346.

[44] Chi Trieu, "Who's Who: How Uncertainty about the Favored Group Affects Outcomes of Affirmative

4. Comparative Analysis of the Impact of Affirmative Action Measures in EU States

4.1. Positive Gender Discrimination in the Political Sector

Positive discrimination in the political sector is achieved through the forced introduction of gender quotas. "Quotas (...) are legislative devices intended to increase female representation among political decision-makers".[45] Essentially, they imply that a certain percentage or number of people who perform in public offices should be women. Often seen as "one of the most important political developments of the modern era"[46], they fall into three categories: legislated quotas, voluntary party quotas (adopted by political parties), and reserved seats.

In the EU there is no consensus among Member States on the application of gender quotas, so there are states that have legislated quotas and there are also states that do not have specific legislation on gender quotas.[47] No state in the European Union has reserved seats and in Romania, two draft laws on the introduction of gender quotas have been on the table of the Romanian Parliament since 2022, but, so far, no decision has been made. Given the fact that the current parliament is predominantly left-wing and, according to studies[48], quotas are predominantly adopted by right-wing parties, it is unlikely that anything will change in terms of gender quotas in the 2024-2028 term of office.

The introduction of gender quotas is traditionally justified by the intention to forcibly increase the number of women in the political sector of the European states, considering that a balanced parliament in terms of gender equality is a parliament committed to promoting gender equality policy. This statement should be viewed with caution given the fact that mentalities and implicitly personal policies are determined by one's upbringing. Thus, we must not lose sight of the fact that there are right-wing and conservative women or active men with modern visions.

Although there are many studies on gender quotas, in this material we have set out to verify whether the aim of quotas has been achieved, namely whether the introduction of gender quotas has resulted in a significant increase in the number of women in the political sector of the European states, compared to the increases recorded in the states that have not adopted the gender quota policy.

In carrying out this approach, we first checked the list of the European states

Action," *Journal of the Economic Science Association* 9, no. 2 (2023): 252–292, https://doi.org/10.1007/s40881-023-00143-5.

[45] Juan J. Fernández and Celia Valiente, "Gender Quotas and Public Demand for Increasing Women's Representation in Politics: An Analysis of 28 European Countries," *European Political Science Review* 13, no. 3 (2021): 351–370, https://doi.org/10.1017/S1755773921000126.

[46] Diana Z. O'Brien and Johanna Rickne, "Gender Quotas and Women's Political Leadership," *American Political Science Review* 110, no. 1 (2016): 112–126, https://doi.org/10.1017/S0003055415000611.

[47] International IDEA, "Slovenia," *Gender Quotas Database*, accessed February 5, 2026, https://www.idea.int/data-tools/data/gender-quotas-database/country?country=204.

[48] Ana Catalano Weeks, "Why Are Gender Quota Laws Adopted by Men? The Role of Inter- and Intra-Party Competition," *Comparative Political Studies* 51, no. 14 (2018): 1935–1973, https://doi.org/10.1177/0010414018758762.

that have introduced legislative quotas on the International Institute for Democracy and Electoral Assistance (IDEA) website. We found that gender quotas have been introduced in the following states: France. Belgium, Spain, Poland, Portugal, Greece, Italy, Slovenia, Luxembourg, and Malta., while the following states do not have legislation regarding gender quotas: Hungary, Slovakia, Czech Republic, Netherlands, Lithuania, Austria, Germany, and Bulgaria. Romania is on the list of states that have not introduced gender quotas.

Then we proceeded to verify the gender index in the political sector for each of these states both in 2015 and 2025 based on the data provided by the European Institute for Gender Equality.

Subsequently, we checked in the same databases which EU Member States have not introduced legislative quotas and what the increase percentage in the gender index in the political sector for each of these countries in the same years, i.e. 2015 and 2025.

The analysis shows that the average increase in the gender index in the political sector in the EU Member States that have adopted legislative quotas is 20.88%, from an average of 20.1% in 2015 to an average of 40.98% in 2025. The highest increase in the gender index is recorded in the case of Spain, at 40.8% and France at 29.8%, while the lowest increase is registered in the case of Poland at 9.8% and Slovenia, at only 9.7%[49].

The average increase in the gender index in the political sector in the EU Member States that have not adopted legislative quotas is 10.9% for the same period, increasing from an average of 18.6% in 2015 to an average of 29.5% in 2025. The highest increase in the gender index is recorded in the case of Lithuania, at 18.5%, as well as in Holland, Austria and Germany where the gender index growth exceeds 16%, while in case of Bulgary is just 1.2%, în case of Hungary is 2,9 %, and in case of Slovaciei the growth is of 3.8%. Regarding the case of Romania, it can be noticed that the gender index increased in the period 2015-2025 in the political sector by a percentage of 13.3%, thus being below the European average[50].

What is found is that, on average, the gender index in the political sector is 9.98% higher in the EU Member States that have introduced gender quotas than in those that have not. The difference is not necessarily insignificant, but it is not negligible either. We can notice that, for the most part, the countries with a lower increase in the gender index in the political sector, regardless of the adoption of gender quotas, are former communist countries from Eastern Europe that have faced either political instability or a decline in the popularity of progressive parties, at the same time as the encouraging the conservative parties, less interested in gender issues. Even at the leadership level of a major party in Romania, the former president recently stated that it is a party of misogynists. These statistics suggest that it is not necessarily the adoption of gender quotas that favors the increase of the number of women in the political sector, but rather the national political tradition.

This leads us to two conclusions: on the one hand, the promotion of the gender

[49] International IDEA, *Gender Quotas Database*, accessed February 5, 2026, https://www.idea.int/data-tools/data/gender-quotas-database.
[50] Ibid.

quota policy, i.e. positive discrimination, is deprived of the expected effect of closing gender gaps; on the other hand, gender equality can only be ensured by implementing measures that educate and encourage. Education must aim at cultivating equality and meritocracy and discouraging dismissive attitudes toward women's political capabilities.

The study by Son Hing, Bobocel & Zanna found that people who have been brought up and educated in the spirit of meritocracy, who appreciate this value, care more about discrimination and its effects, conceptualizing it as a merit violation.[51]A sound education in the spirit of common European values is the only measure that can ensure awareness of the imperative of equality and, implicitly, its voluntary implementation. Forced policies do not produce long-term results. Studies on the effect of positive discrimination measures over time have shown that the increase in the representation of discriminated minority groups decreased when such measures were banned.[52]

Applying gender quotas to male-dominated structures is likely to create tensions within the group. In a study on the perception of gender quotas equity, it was shown that they are seen as unfair procedures that can affect cooperation within quota-selected groups, with consequences on their performance.[53] Women's ability to influence policy depends on their acceptance within a team, and their cooperation with the other members. Because of the gender quotas, they become vulnerable to stigmatization and male-dominated parliamentary structures which may be reluctant or even object to newcomers, especially when women seek to reform policies related to traditional male authority.[54] Positive discrimination against women can produce the opposite effect to the one intended, in the sense that there is a real risk that their skills, effort, and competencies become irrelevant in the presence of positive policies. Numerous studies have shown that preferential treatment makes women's competence irrelevant.[55] In this respect, it turned out that men chosen after the introduction of quotas were considered competent by default, while women had to prove their competencies.[56]

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[51] Leanne S. Son Hing, Ramona D. Bobocel, and Mark P. Zanna, "Meritocracy and Opposition to Affirmative Action: Making Concessions in the Face of Discrimination," *Journal of Personality and Social Psychology* 83, no. 3 (2002): 493–509, https://doi.org/10.1037/0022-3514.83.3.493.

[52] Liliana M. Garces, "Understanding the Impact of Affirmative Action Bans in Different Graduate Fields of Study," *American Educational Research Journal* 50, no. 2 (2013): 251–284, https://doi.org/10.3102/0002831212470483; Liliana M. Garces, "Racial Diversity, Legitimacy, and the Citizenry: The Impact of Affirmative Action Bans on Graduate School Enrollment," *The Review of Higher Education* 36, no. 1S (2012): 93–132, https://doi.org/10.1353/rhe.2012.0050.

[53] Angela R. Dorrough, Monika Leszczyńska, Manuela Barreto, and Andreas Glöckner, "Revealing Side Effects of Quota Rules on Group Cooperation," *Journal of Economic Psychology* 57 (2016): 136–152, https://doi.org/10.1016/j.joep.2016.09.007.

[54] Amanda Clayton, "How Do Electoral Gender Quotas Affect Policy?," *Annual Review of Political Science* 24 (2021): 235–252, https://doi.org/10.1146/annurev-polisci-041719-102019.

[55] Madeline E. Heilman and Brian Welle, "Disadvantaged by Diversity? The Effects of Diversity Goals on Competence Perceptions," *Journal of Applied Social Psychology* 36, no. 5 (2006): 1291–1319, https://doi.org/10.1111/j.0021-9029.2006.00043.x; Miriam G. Resendez, "The Stigmatizing Effects of Affirmative Action: An Examination of Moderating Variables," *Journal of Applied Social Psychology* 32, no. 1 (2002): 185–206, https://doi.org/10.1111/j.1559-1816.2002.tb01426.x.

[56] Jorge M. Fernandes, Mariana Lopes da Fonseca, and Miguel Won, "Closing the Gender Gap in

Women's representation in the European Parliament aims to ensure that women's interests have political support. However, studies have shown that a forced increase in the number of women in national parliaments does not automatically lead to an increase in the number of women in other top administrative or decision-making positions, which means that the purpose of quotas cannot be guaranteed.[57] The doctrine has shown that most such positions are allocated to men with a strong position in the party, usually party leaders, suggesting that "the gendered distribution of candidacies mirrors the gendered distribution of party offices, thus reinforcing patterns of exclusion for women and dominance of men in both party and elective posts".[58] At the same time, the same studies showed that the increased representation of women did not have a significant effect in terms of changing the policies previously promoted.

However, even if it seeks to correct some historical inequalities, promoting this policy can be profoundly anti-democratic as it undermines the electorate's freedom of choice, freedom of choice.

4.2. Positive Gender Discrimination in the Economic Sector

On November 23, 2022, the Directive (EU) 2022/2381 of the European Parliament and of the Council on strengthening the gender balance among directors of listed companies and related measures promoting positive discrimination was adopted. In Romania, the Directive is being implemented, the Government's point of view being that the problem raised at the European level is fully justified for Romania in the context in which, according to the data extracted from the Gender Equality Index 2025 report conducted by the European Institute for Gender Equality, of the people holding management positions on the boards of directors of the largest listed companies, only 24,8% are women and the remaining 75,2% are men.[59]

A similar study showed that "the stock market reactions to the announcement of the new EU legislation on board gender diversity are positive; these findings show that investors are persuaded by the positive aspects of gender quota rules. In addition, we find that this positive valuation effect is stronger for firms in countries with softer board gender diversity regulations or no regulations at all (i.e., quota laws with weak penalties or no sanctions, voluntary code recommendations or no gender regulation) compared to firms in countries with stricter board gender diversity regulations like quota laws with hard sanctions[60]. Yet, given that in none of the analyzed countries has

Legislative Debates: The Role of Gender Quotas," *Political Behavior* 45, no. 3 (2023): 897–921, https://doi.org/10.1007/s11109-021-09737-3.

[57] Benny Geys and Rune J. Sørensen, "The Impact of Women above the Political Glass Ceiling: Evidence from a Norwegian Executive Gender Quota Reform," *Electoral Studies* 60 (2019): article 102050, https://doi.org/10.1016/j.electstud.2019.102050.

[58] Tània Verge and Ana Espírito-Santo, "Interactions between Party and Legislative Quotas: Candidate Selection and Quota Compliance in Portugal and Spain," *Government and Opposition* 51, no. 3 (2016): 416–439, https://doi.org/10.1017/gov.2016.9.

[59] European Institute for Gender Equality (EIGE), accessed February 7, 2026, https://eige.europa.eu/.

[60] Carlos Fernández-Méndez and Shams Pathan, "The Valuation Impact of Gender Quotas in the Boardroom: Evidence from the European Markets," *Finance Research Letters* 54 (2023): article 103699,

the percentage of women on the boards of companies reached the same level as that of men, it could be argued that the statement is still valid that "most of the time women's access to top positions in the organization is limited from the moment they become members of the organization, being recruited in areas considered non-strategic (or of little importance) for the organization (human resources or administration).[61] As stated in a study, "the causal effects on attitudes are stronger for the intentionality of discrimination than for its financial consequences for the discriminated group".[62]

Taking also into account the objections raised by opponents of quota legislation, in particular concerning their alleged negative consequences on the economic performances of companies, it was suggested that an alternative solution to quota legislation could be to place greater emphasis "on the equality rationale", noting that "if there are serious doubts about positive effects of mandatory quotas on company performance, it is rather unlikely that stressing an economic rationale in a gender diversity debate will convince the involved actors to increase female participation in economic decision-making".[63]

In 2012, the following countries adopted legislation (quotas) aimed at reducing the gap between men and women in the management of companies in which the state has a certain share of ownership, which varies from country to country: Austria, Belgium, Denmark, Finland, France, Ireland, Italy, the Netherlands, Spain, Denmark, Finland, France, Ireland, Italy, the Netherlands[64]. Germany has also adopted such legislation since 2014 and Portugal since 2017. This model of restricting the legislation to companies in which the state or municipalities have an interest has generally been adopted, following the model of Norwegian legislation, in which it was argued that "many private limited liability companies are often small, and family-owned, and by necessity, the owners themselves serve on the company board".[65]

Analyzing the evolution of the percentage of women in the management of companies in these countries, since 2013, compared to 2024, there has been an increase in this percentage, without however reaching the same share as men. We thus notice that the percentage of women on the boards of the largest listed companies in Member

https://doi.org/10.1016/j.frl.2023.103699.

[61] Octavian Moldovan, "Plafonul de sticlă și administrația publică centrală din statele membre ale Uniunii Europene [The Glass Ceiling and Central Public Administration in European Union Member States]," *Revista Transilvană de Științe Administrative*, no. 2 (37) (2015): 132–155.

[62] Mathieu Bunel and Élisabeth Tovar, "When Is Affirmative Action Fair? Answers from a Hypothetical Survey Experiment," *Social Justice Research* 37 (2024): 25–56, https://doi.org/10.1007/s11211-023-00429-3.

[63] Monika Leszczyńska, "Mandatory Quotas for Women on Boards of Directors in the European Union: Harmful to or Good for Company Performance?," *European Business Organization Law Review* 19 (2018): 35–61, https://doi.org/10.1007/s40804-017-0095-x.

[64] European Parliament, Directorate-General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs, *Gender Quotas in Management Boards* (2012), 30–31, https://www.europarl.europa.eu/RegData/etudes/note/join/2012/462429/IPOL-FEMM_NT(2012)462429_EN.pdf, accessed September 13, 2024.

[65] Sigtona Halrynjo and Mari Teigen, "Gender Quotas for Corporate Boards: Do They Lead to More Women in Senior Executive Management?," *Gender in Management* 39, no. 6 (2024): 761–777, https://doi.org/10.1108/GM-03-2023-0096.

States increased during this period by 24.9% in Austria, 27.6% in Belgium, 24.8% in Denmark, 11.3% in Finland, 35.5% in France, 26.5% in Germany, 39.6% in Italy, by 26.8% in the Netherlands, by 31.3% in Spain, and by 29.7% in Portugal.

The largest increases in the percentage of women in management positions in the economic sector can be found in Italy (39,6%) and France (35,5%), and the lowest in Finland (11,3%), Denmark (24,8 %) and the Netherlands (with 26,8%). In the case of Finland and Denmark, this lower increase can be explained by the fact that in their case they already started with a higher percentage of women in management positions in 2013 (when there was already a percentage of 26% and 18% women respectively In the case of Austria, such a conclusion cannot be supported, because in 2013 there were 9% women in management positions, reaching 33,9% in 2024.

Subsequently, we checked the same databases in which there are EU member states that have not introduced similar legislative quotas and the percentage increase in the gender index in the economic sector (share of members of boards in largest quoted companies, supervisory board or board of directors) in the same period 2013-2024. We thus notice that the percentage of women on the boards of the largest listed companies in Member States increased during this period by 7.5% in Bulgaria, 16.4% in the Czech Republic, 19% in Greece, 5.2% in Lithuania, 18.8% in Luxembourg, by 15.1% in Malta, by 11.4% in Poland, by 3.8% in Romania, by 3% in Slovakia, by 12.6% in Slovenia, and decreased by 3.8% in Hungary.

The largest increases in the percentage of women in management positions in the economic sector can be found in Greece (by 19%) Luxembourg (by 18,8%) and Hungary there is even a decrease in the percentage of women in positions of management, with 3,8%. This phenomenon of a decrease in the number of women in management positions in the economic sector, in Hungary, could certainly have been avoided if legislation imposing gender quotas had been implemented in these countries. Following the analysis carried out, it is found that the average increase of the gender index in the economic sector (share of members of boards in largest quoted companies, supervisory board or board of directors) at the level of EU Member States that have adopted legislative quotas is 27,8% for the period 2013-2024, while the average increase of the gender index in the same sector at the level of EU Member States that have not adopted legislative quotas is 9,90% for the same period.

Although there has been an increase in the percentage of women on the boards of companies in countries that have implemented quota legislation, it is considered that this percentage may be distorted to a certain extent, due to the use of a two-tier board system by which companies circumvent the legal provisions. For this reason, it has rightly been stated that "related debate concerns whether quotas for an outsider (i.e., external, non-executive) or supervisory directorships are more symbolic than substantive. Context is key, as many European countries have a two-tier board system such that board quotas only affect outside directors".[66]

About the effectiveness of this legislative measure, in the same study carried

[66] Siri Terjesen and Ruth Sealy, "Board Gender Quotas: Exploring Ethical Tensions from a Multi-Theoretical Perspective," *Business Ethics Quarterly* 26, no. 1 (2016): 23–65, https://doi.org/10.1017/beq.2016.7.

out by Halrynjo and Teigen[67] it was proven that this measure, inspired by the Norwegian model, had not had spectacular results in terms of increasing the number of women in management positions, but only in terms of increasing awareness of gender imbalances.

4.3. Positive Gender Discrimination in the Research Area

According to the European Institute for Gender Equality, "in the field of research and innovation (R & I), there are persistent gender inequalities…".[68] We analyzed comparatively the evolution of the gender index in terms of Knowledge, in the states that have introduced legislative quotas and those that have not, in 2015 and 2025.

For the countries that have introduced quotas, the results found are the following:

In Luxembourg there has been the biggest increase of the gender equality index, among all the ten countries within this category, from 49.4 in 2015 to 61.9 in 2025. France also encountered an increase from 58.2 in 2015 to 62.6 in 2025, while in Belgium the increase was only of 2 points from 54.3 in 2015 to 56.3 in 2025. We noticed a decreasing trend between the two years of reference in Spain (from 59.3 in 2015 to 55.7 in 2025), in Poland (from 54.8 to 50.9), in Greece (from 60 to 58.7), in Italy (from 60.3 to 56.8), in Slovenia (from 46.9 to 45), in Malta (from 59.2 in 2015 to 58.2 in 2025) and Portugal (from 57.1 in 2015 to 55.5 in 2025).

As we can notice, most of the countries followed a downward trend, but the differences are quite small. Only three countries encountered an increase, Luxembourg ranking first from this perspective, with a difference that exceeds 10 points. The generally small differences between the two reference years indicate that although quotas can help advance gender equality in this sector, they might not be enough to create significant changes in all areas.

As for the countries that have not introduced legislative quotas, the trends in terms of gender equality index are as follows:

Among the countries that encountered an downward trend we can include: Hungary (with 51.3 in 2015 to 49.9 in 2025), Slovakia (from 56.1 in 2015 to 51 in 2025), Austria (55 in 2015 to 54.2 in 2025), Germania (57.5 in 2015 to 57.4 in 2025), Bulgaria (from 51.5 in 2015 to 47.3 in 2025) and Romania (from 69.5 in 2015 to 64.1 in 2025). As far as Romania is concerned it is worth mentioning in this context that it holds the 2nd position in the EU in the domain of knowledge, "mostly due to segregation subdomain, in which Romania holds the first position in the EU (with a score of 50.9 points)".[69] We notice an upward trend only in three countries, respectively in Czechia (from 52.2 in 2015 to 52.9 in 2025), the Netherlands (from 61.1 in 2015 to 62.1 in 2025),

[67] Halrynjo and Teigen, "Gender Quotas for Corporate Boards," 761–777.

[68] European Institute for Gender Equality (EIGE), "European Union Objectives for Gender Equality in Research and Innovation," *Gender Equality in Academia and Research—GEAR Tool*, accessed February 4, 2026, https://eige.europa.eu/gender-mainstreaming/toolkits/gear/gender-equality-research-and-innovation.

[69] European Institute for Gender Equality (EIGE), "Romania: Knowledge," *Gender Equality Index 2025*, accessed February 4, 2026, https://eige.europa.eu/gender-equality-index/2025/country/RO?domain=knowledge.

Lithuania (from 46.5 in 2015 to 47.4 in 2025). The same downward trend is to be found when analyzing the Gender Equality Index of the states that have not introduced legislative quotas. The largest decline in the index is found in Slovakia (with a difference of 5.1 points), followed by Bulgaria (with a difference od 4.2 points). As regards the other countries that have been analyzed, the differences, whether positive or negative, are very small, which leads to the same conclusion stated above that they are not sufficient to generate significant changes.

In a general analysis of the 2025 Gender Equality Index, Romania holds the 23rd position in the EU ranking on the Gender Equality Index with a score of 57 out of 100 points, with an increase of 7.4 points since 2015 and 5.1 since 2020. The area in which our country scores lowest is health, where it ranks 27th, the last position in the EU with a score of 60.9 points. But the domain with the lowest score (26.6 points) is the domain of power. The EU general score is 63.4 points, with an increase of 7.4 points since 2015, and of 3.5 points since 2020.[70] The countries that scored the most are Sweden (73.7), France (73.4) and Denmark (71.8). At the other end of the spectrum is Cyprus (47.6) and Hungary (51.6).

Even though at the time Romania scores very well in terms of knowledge, some of the main factors that have been linked to the underrepresentation of women in deanship in Central and Eastern Europe, are considered the following: "Historical and societal norms as traditional gender roles and expectations have influenced career choices and opportunities available for women; cultural norms and institutional practices can play a role in perpetuating gender imbalances; bias and discrimination which can manifest in hiring and promotion practices or pay disparities".[71] According to the 2023 Gender Social Norms Index, „while considerable progress for women has been achieved in many basic capabilities, such as the right to vote and equal participation in education, progress has been tenuous in enhanced capabilities, such as women's voice and power. From corporate boardrooms to presidential cabinets, women remain underrepresented in leadership positions."[72]

As previously analyzed, the purpose of quotas is to increase the number of women in certain public domains, academia being one of them. While legislative quotas are very well known and their consequences have been largely analyzed, "very little is known about the usefulness and consequences of quotas in academia", since they became popular only in recent years.[73] "Academic quota legislation to date has targeted the committees of public universities, including governing boards, hiring committees,

[70] Ibid.

[71] Elżbieta Kużelewska et al., "Gender Equity in Deanship of the Central and Eastern European Law Schools," *International Journal for the Semiotics of Law – Revue internationale de Sémiotique juridique* 37, no. 6 (2024): 2009–2031, https://doi.org/10.1007/s11196-023-10095-y.

[72] United Nations Development Programme (UNDP), *2023 Gender Social Norms Index: Breaking Down Gender Biases—Shifting Social Norms towards Gender Equality* (New York: United Nations Development Programme, 2023), https://hdr.undp.org/system/files/documents/hdp-document/gsni202303.pdf, accessed February 4, 2026.

[73] Jihye Kam and Soohyung Lee, "Female Representation in Academia: Are Women Underrepresented among Faculty at Public Colleges and Universities?," *International Economic Journal* 38, no. 2 (2024): 185–211, https://doi.org/10.1080/10168737.2024.2309353.

and research funding committees. They are aimed at increasing the presence of women in decision-making positions, to exert an influence over academic life and research agendas, and to provide role models for other women".[74] Besides this, there is no specific legal framework in Romanian legislation that addresses gender equality in research. A study that examined if gender quotas "achieve their primary objective to increase female representation in university faculty positions", concluded that "implemented gender quotas focusing on entry-level faculty may not be sufficient to improve gender inequality in higher levels of the academic hierarchy. The mixed evidence as to whether gender quotas are effective at closing the gap across and within academic disciplines implies that the effect of these quotas can be limited and slow-acting in the areas where women are severely underrepresented".[75]

The UNESCO Higher Education Global Data Report, released in May 2022, reveals a significant gender disparity in academia, with women making up only 36% of senior professors and 29% of published authors. Despite growing awareness of gender inequity in academia, the data, collected from 776 higher education institutions globally, highlights the continued obstacles women face in attaining parity in senior academic positions and research authorship.[76]

4. Conclusions

Following the study, we found that affirmative action measures had the following results in the sectors under analysis:

In the public sector we noticed that the average increase of the gender index at the level of EU Member States that have adopted legislative quotas is 20.88%, from an average of 20.1% in 2015 to an average of 40.98% in 2025, while the average increase of the gender index in the same sector at the level of EU Member States that have not adopted legislative quotas is 10.9% % for the same period, but the results are influenced by the political tradition of the member states.

In the economic sector we found out that the average increase of the gender index in the economic sector at the level of EU Member States that have adopted legislative quotas is 27,8% for the period 2013-2024, while the average in-crease of the gender index in the same sector at the level of EU Member States that have not adopted legislative quotas is 9,90% for the same period. Although the percentage is higher in countries that have adopted such legislation, it is worth noting the significant increase in countries that have not adopted mandatory norms in this direction, which indicates a natural general trend of increase of the percentage of women in corporate management bodies.

In the field of knowledge, we noticed that few EU Member States that introduced the legislative quotas, encountered an increase of the gender quality index

[74] Idem.
[75] Sanghee Park, "Seeking Changes in Ivory Towers: The Impact of Gender Quotas on Female Academics in Higher Education," *Women's Studies International Forum* 79 (2020): article 102346, https://doi.org/10.1016/j.wsif.2020.102346.
[76] Idem.

from 2015 to 2025, the biggest increase being noticed in case of Luxembourg (12.5 points). For the most part of the countries the trend was a downward one, but with slightly small differences between the years we are referring to. Regarding the EU Member States that have not introduced legislative quotas, the trend is quite similar, most of the countries following a downward trend and only three of them encountering an increase of their score, but slightly small. The largest decline was noticed in Slovakia with a difference of 5.1 points from 2015 to 2025 and Bulgaria, with a difference of 4.2 points.

Therefore, the introduction of gender quotas had a greater impact in the economic sector than in the political and knowledge areas, but it is difficult to argue that this was solely due to the legislation adopted in this domain. Rather, given the natural growth trend in countries that have not adopted gender quotas, it could be argued that these results would have been achieved even without the adoption of binding rules, albeit at a slower pace.

Equality underpins a healthy and developed society. In essence, it does not imply equal conditions for women and men, but that gender should not be an obstacle to a person's life and development in all aspects, because gender should not be the measure of individual worth. Social inequalities of any kind, racist, sexist or homophobic practices are incompatible with democracy and the concept of rule of law. The understanding and recognition of equality between men and women are essential in a sustainable society because social progress is built exclusively on respect for fundamental rights and values that every human being possesses, above and beyond any legal order. The Beijing Declaration and Platform for Action of September 1995 shows that gender discrimination is among the main causes of poverty and vulnerability, as sustainable development must be based on equal access to social and economic life, equal participation in decision-making processes and overcoming gender stereotypes. The solution, of course, is not to start a war between the sexes, but to identify and raise awareness of the common values of equality and mutual trust through education, and in parallel to this, to adopt legislative and economic measures meant to prohibit discrimination and ensure women's empowerment and equal access to the labor market. The promotion of equality between women and men through the creation of policies or strategies aimed at ensuring equal opportunities and equal treatment provides the necessary balance for sustainable socio-economic development.

Bibliography

1. Aberson, Christopher L. “Predicting Support for Affirmative Action in Educational Admissions.” *Social Justice Research* 34, no. 2 (2021): 196–217. https://doi.org/10.1007/s11211-021-00366-z.
2. Ahrens, Petra, Petra Meier, and Lise Rolandsen Agustín. “The European Parliament and Gender Equality: An Analysis of Achievements Based on the Concept of Power.” *JCMS: Journal of Common Market Studies* 61, no. 4 (2023): 1065–1081. https://doi.org/10.1111/jcms.13446.
3. Bengtson, Andreas, and Lauritz Aastrup Munch. “Doxastic Affirmative Action.” *Ethical Theory and Moral Practice* 27 (2024): 203–220. https://doi.org/10.1007/s1

0677-023-10408-x.

4. Blondet, Cecilia. "The 'Devil's Deal': Women's Political Participation and Authoritarianism in Peru." In *Gender Justice, Development, and Rights*, edited by Maxine Molyneux and Shahra Razavi. Oxford: Oxford University Press, 2002. https://doi.org/10.1093/0199256454.003.0009.
5. Booth, Andrew, Anthea Sutton, and Diana Papaioannou. *Systematic Approaches to a Successful Literature Review*. 2nd ed. Los Angeles: SAGE Publications, 2016.
6. Braun, Virginia, and Victoria Clarke. "Thematic Analysis." In *APA Handbook of Research Methods in Psychology*. Vol. 2, *Research Designs: Quantitative, Qualitative, Neuropsychological, and Biological*, edited by Harris Cooper, Paul M. Camic, Debra L. Long, A. T. Panter, David Rindskopf, and Kenneth J. Sher, 57–71. Washington, DC: American Psychological Association, 2012. https://doi.org/10.1037/13620-004.
7. Bryman, Alan. *Social Research Methods*. 5th ed. Oxford: Oxford University Press, 2016.
8. Bunel, Mathieu, and Élisabeth Tovar. "When Is Affirmative Action Fair? Answers from a Hypothetical Survey Experiment." *Social Justice Research* 37 (2024): 25–56. https://doi.org/10.1007/s11211-023-00429-3.
9. Charpentier, Louis. "The European Court of Justice and the Rhetoric of Affirmative Action." *European Law Journal* 4, no. 2 (1998): 167–195. https://doi.org/10.1111/1468-0386.00048.
10. Clayton, Amanda. "How Do Electoral Gender Quotas Affect Policy?" *Annual Review of Political Science* 24 (2021): 235–252. https://doi.org/10.1146/annurev-polisci-041719-102019.
11. Creswell, John W., and J. David Creswell. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. 5th ed. Thousand Oaks, CA: SAGE Publications, 2018. https://books.google.com/books?id=335ZDwAAQBAJ.
12. DeZolt, Denise M., and Stephen H. Hull. "Classroom and School Climate." In *Encyclopedia of Women and Gender: Sex Similarities and Differences and the Impact of Society on Gender*. Vol. 1, edited by Judith Worell, 257–264. San Diego: Academic Press, 2001.
13. Dorrough, Angela R., Monika Leszczyńska, Manuela Barreto, and Andreas Glöckner. "Revealing Side Effects of Quota Rules on Group Cooperation." *Journal of Economic Psychology* 57 (2016): 136–152. https://doi.org/10.1016/j.joep.2016.09.007.
14. European Institute for Gender Equality (EIGE). "European Union Objectives for Gender Equality in Research and Innovation." *Gender Equality in Academia and Research—GEAR Tool*. Accessed February 4, 2026. https://eige.europa.eu/gender-mainstreaming/toolkits/gear/gender-equality-research-and-innovation.
15. European Institute for Gender Equality. *Gender Equality Index 2025: European Union*. 2025. Accessed February 4, 2026. https://eige.europa.eu/modules/custom/eige_gei/app/content/downloads/factsheets/EU_2025_factsheet.pdf.
16. European Parliament. Directorate-General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs. *Gender Quotas in Management Boards*. 2012. Accessed September 13, 2024. https://www.europarl.europa.eu/RegData/etudes/note/join/2012/462429/IPOL-FEMM_NT(2012)462429_EN.pdf.
17. European Parliament. *Motion for a Resolution on Banning Ethnocultural "Positive Discrimination" in Europe*. B9-0354/2023. July 12, 2023. Accessed February 4, 2026. https://www.europarl.europa.eu/doceo/document/B-9-2023-0354_EN.html.
18. Fernandes, Jorge M., Mariana Lopes da Fonseca, and Miguel Won. "Closing the Gender Gap in Legislative Debates: The Role of Gender Quotas." *Political Behavior*

45, no. 3 (2023): 897–921. https://doi.org/10.1007/s11109-021-09737-3.
19. Fernández-Méndez, Carlos, and Shams Pathan. "The Valuation Impact of Gender Quotas in the Boardroom: Evidence from the European Markets." *Finance Research Letters* 54 (2023): article 103699. https://doi.org/10.1016/j.frl.2023.103699.
20. Fernández, Juan J., and Celia Valiente. "Gender Quotas and Public Demand for Increasing Women's Representation in Politics: An Analysis of 28 European Countries." *European Political Science Review* 13, no. 3 (2021): 351–370. https://doi.org/10.1017/S1755773921000126.
21. Garces, Liliana M. "Racial Diversity, Legitimacy, and the Citizenry: The Impact of Affirmative Action Bans on Graduate School Enrollment." *The Review of Higher Education* 36, no. 1S (2012): 93–132. https://doi.org/10.1353/rhe.2012.0050.
22. Garces, Liliana M. "Understanding the Impact of Affirmative Action Bans in Different Graduate Fields of Study." *American Educational Research Journal* 50, no. 2 (2013): 251–284. https://doi.org/10.3102/0002831212470483.
23. Geys, Benny, and Rune J. Sørensen. "The Impact of Women above the Political Glass Ceiling: Evidence from a Norwegian Executive Gender Quota Reform." *Electoral Studies* 60 (2019): article 102050. https://doi.org/10.1016/j.electstud.2019.102050.
24. Halrynjo, Sigtona, and Mari Teigen. "Gender Quotas for Corporate Boards: Do They Lead to More Women in Senior Executive Management?" *Gender in Management* 39, no. 6 (2024): 761–777. https://doi.org/10.1108/GM-03-2023-0096.
25. Heilman, Madeline E., and Brian Welle. "Disadvantaged by Diversity? The Effects of Diversity Goals on Competence Perceptions." *Journal of Applied Social Psychology* 36, no. 5 (2006): 1291–1319. https://doi.org/10.1111/j.0021-9029.2006.00043.x.
26. Heilman, Madeline E., J. Carlos Rivero, and Joan F. Brett. "Skirting the Competence Issue: Effects of Sex-Based Preferential Selection on Task Choices of Women and Men." *Journal of Applied Psychology* 76, no. 1 (1991): 99–105. https://doi.org/10.1037/0021-9010.76.1.99.
27. Heilman, Madeline E., Winston F. McCullough, and David Gilbert. "The Other Side of Affirmative Action: Reactions of Nonbeneficiaries to Sex-Based Preferential Selection." *Journal of Applied Psychology* 81, no. 4 (1996): 346–357. https://doi.org/10.1037/0021-9010.81.4.346.
28. Höhmann, Daniel. "For Women Only? Politicians' Attitudes towards Men's Role in Gender Equality Representation." *West European Politics* 48, no. 4 (2025): 740–766. https://doi.org/10.1080/01402382.2024.2325797.
29. International IDEA. *Gender Quotas Database*. Accessed February 5, 2026. https://www.idea.int/data-tools/data/gender-quotas-database.
30. Kam, Jihye, and Soohyung Lee. "Female Representation in Academia: Are Women Underrepresented among Faculty at Public Colleges and Universities?" *International Economic Journal* 38, no. 2 (2024): 185–211. https://doi.org/10.1080/10168737.2024.2309353.
31. Komlenac, Nikola, Liora Neugebauer, Jennifer Birke, and Margarethe Hochleitner. "All Employees Benefit: Arguments That Help Increase Support for Affirmative Action in Academic Careers." *Humanities and Social Sciences Communications* 10 (2023): article 981. https://doi.org/10.1057/s41599-023-02508-x.
32. Kużelewska, Elżbieta, Izabela Kraśnicka, Edita Gruodytė, et al. "Gender Equity in Deanship of the Central and Eastern European Law Schools." *International Journal for the Semiotics of Law – Revue internationale de Sémiotique juridique* 37, no. 6 (2024): 2009–2031. https://doi.org/10.1007/s11196-023-10095-y.
33. Leszczyńska, Monika. "Mandatory Quotas for Women on Boards of Directors in the

European Union: Harmful to or Good for Company Performance?" *European Business Organization Law Review* 19 (2018): 35–61. https://doi.org/10.1007/s40804-017-0095-x.

34. McHarg, Aileen, and Donald Nicolson. "Justifying Affirmative Action: Perception and Reality." *Journal of Law and Society* 33, no. 1 (2006): 1–23. https://doi.org/10.1111/j.1467-6478.2006.00344.x.
35. Moldovan, Octavian. "Plafonul de sticlă și administrația publică centrală din statele membre ale Uniunii Europene [The Glass Ceiling and Central Public Administration in European Union Member States]." *Revista Transilvană de Ştiinţe Administrative*, no. 2 (37) (2015): 132–155.
36. Nagy, Csongor István. "The Diagonal Application of the EU Charter of Fundamental Rights: From 'Displacement' through 'Agency' to 'Scope' and Beyond." *German Law Journal* 25, no. 2 (2024): 155–184. https://doi.org/10.1017/glj.2023.94.
37. O'Brien, Diana Z., and Johanna Rickne. "Gender Quotas and Women's Political Leadership." *American Political Science Review* 110, no. 1 (2016): 112–126. https://doi.org/10.1017/S0003055415000611.
38. O'Hare, Ursula. "Equality and Affirmative Action in International Human Rights Law and Its Relevance to the European Union." *International Journal of Discrimination and the Law* 4, no. 1 (2000): 3–45. https://doi.org/10.1177/135822910000400102.
39. Park, Sanghee. "Seeking Changes in Ivory Towers: The Impact of Gender Quotas on Female Academics in Higher Education." *Women's Studies International Forum* 79 (2020): article 102346. https://doi.org/10.1016/j.wsif.2020.102346.
40. Patton, Michael Quinn. *Qualitative Research & Evaluation Methods*. 3rd ed. Thousand Oaks, CA: SAGE Publications, 2002.
41. Resendez, Miriam G. "The Stigmatizing Effects of Affirmative Action: An Examination of Moderating Variables." *Journal of Applied Social Psychology* 32, no. 1 (2002): 185–206. https://doi.org/10.1111/j.1559-1816.2002.tb01426.x.
42. Rhode, Deborah L. *Justice and Gender: Sex Discrimination and the Law*. Cambridge, MA: Harvard University Press, 1991.
43. Robson, Colin, and Kieran McCartan. *Real World Research*. 4th ed. Chichester: Wiley, 2016.
44. Rubenfeld, Jed. "Affirmative Action." *The Yale Law Journal* 107, no. 2 (1997): 427–472. https://doi.org/10.2307/797356.
45. Shaw, Rachel L. "Identifying and Synthesizing Qualitative Literature." In *Qualitative Research Methods in Mental Health and Psychotherapy: A Guide for Students and Practitioners*, edited by David Harper and Andrew R. Thompson. Chichester: Wiley-Blackwell, 2011. https://doi.org/10.1002/9781119973249.ch2.
46. Son Hing, Leanne S., Ramona D. Bobocel, and Mark P. Zanna. "Meritocracy and Opposition to Affirmative Action: Making Concessions in the Face of Discrimination." *Journal of Personality and Social Psychology* 83, no. 3 (2002): 493–509. https://doi.org/10.1037/0022-3514.83.3.493.
47. Terjesen, Siri, and Ruth Sealy. "Board Gender Quotas: Exploring Ethical Tensions from a Multi-Theoretical Perspective." *Business Ethics Quarterly* 26, no. 1 (2016): 23–65. https://doi.org/10.1017/beq.2016.7.
48. Trieu, Chi. "Who's Who: How Uncertainty about the Favored Group Affects Outcomes of Affirmative Action." *Journal of the Economic Science Association* 9, no. 2 (2023): 252–292. https://doi.org/10.1007/s40881-023-00143-5.
49. United Nations Development Programme (UNDP). *2023 Gender Social Norms Index: Breaking Down Gender Biases—Shifting Social Norms towards Gender Equality*. New

York: United Nations Development Programme, 2023. Accessed February 4, 2026. https://hdr.undp.org/system/files/documents/hdp-document/gsni202303.pdf.
50. United Nations General Assembly. *Universal Declaration of Human Rights*. General Assembly Resolution 217 A (III). December 10, 1948. Accessed January 25, 2023. https://www.un.org/en/about-us/universal-declaration-of-human-rights.
51. Vázquez, Alexandra, Lucía López-Rodríguez, and Marco Brambilla. "Acknowledging That Men Are Moral and Harmed by Gender Stereotypes Increases Men's Willingness to Engage in Collective Action on Behalf of Women." *Sex Roles* 90, no. 3 (2024): 417–443. https://doi.org/10.1007/s11199-024-01444-7.
52. Verge, Tània, and Ana Espírito-Santo. "Interactions between Party and Legislative Quotas: Candidate Selection and Quota Compliance in Portugal and Spain." *Government and Opposition* 51, no. 3 (2016): 416–439. https://doi.org/10.1017/gov.2016.9.
53. Ward, L. Monique, and Allison Caruthers. "Media Influences." In *Encyclopedia of Women and Gender: Sex Similarities and Differences and the Impact of Society on Gender*. Vol. 2, edited by Judith Worell, 687–701. San Diego: Academic Press, 2001.
54. Weeks, Ana Catalano. "Why Are Gender Quota Laws Adopted by Men? The Role of Inter- and Intra-Party Competition." *Comparative Political Studies* 51, no. 14 (2018): 1935–1973. https://doi.org/10.1177/0010414018758762.
55. Worell, Judith, and Dawn M. Johnson. "Feminist Approaches to Psychotherapy." In *Encyclopedia of Women and Gender: Sex Similarities and Differences and the Impact of Society on Gender*. Vol. 1, edited by Judith Worell, 425–437. San Diego: Academic Press, 2001.
56. Yin, Robert K. *Case Study Research and Applications: Design and Methods*. 6th ed. Los Angeles: SAGE Publications, 2018. https://opac.atmaluhur.ac.id/uploaded_files/temporary/DigitalCollection/YTE3NDlmYTY0ZjE2MDA5ODE4NGI1Y2FhMjdkMjRmYWNkMDA2MTVhOQ==.pdf.
57. Zamfir, Ionel. *Women in Politics in the EU: State of Play in 2024*. Brussels: European Parliamentary Research Service, March 2024. PE 760.348. https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760348/EPRS_BRI(2024)760348_EN.pdf.