

# **The legitimacy of instruments to equalise women's representation in politics**

## **Abstract**

The thesis deals with the justification of instruments for equal representation of women in politics. It is based on the fact, that the representation of women in political decision-making in the Czech Republic is consistently low and that gender equality would be achieved in decades through natural development. Considering the instruments introduced abroad, it examines the legitimacy of gender candidate quotas and the criteria for such justification.

The first part of the thesis examines the constitutional principle of equality and its articulation, introduces the concepts of formal and substantive equality and equality of opportunity and outcome, and shows how the Constitutional Court of the Czech Republic perceives this principle. The second part of the thesis deals with discrimination, i.e. violation of the principle of equal treatment. It introduces the issue of suspect classification, the Constitutional Court's perception of accessory and non-accessory equality and also introduces the concepts of direct and indirect discrimination. The main theme of the second part of this chapter is then the suspect classification of sex, where the thesis explains the difference between sex and gender, which are key concepts related to the existence of stereotypes and prejudices, illustrates the unequal position of women throughout history, the legacy of which is their disadvantage in the present, and addresses the question of why it is difficult to achieve de facto equality of the sexes.

The third part of the paper focuses on affirmative action. It first examines the concept itself and then discusses the Constitutional Court of the Czech Republic rulings that have addressed affirmative action. Finally, it analyzes the various arguments for their justification, presenting their use in the case law of the Supreme Court of the U.S.

The thesis concludes that given the persistence of gender stereotypes and prejudices in our society and the systemic barriers that women face, instruments to equalize women's representation in politics are a legitimate means to increase their political representation.

## **Keywords**

legitimacy, gender quotas, political representation