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Gender equality principles in the Parliamentary Assembly

Committee Opinion[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Ms Ingrida CIRCENE, Latvia, Group of the European People's Party

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A. Conclusions of the committee

The Committee on Legal Affairs and Human Rights welcomes the report presented by the Committee on Rules of Procedure and Immunities.

The committee supports the draft resolution and draft recommendation proposed by the Rapporteur, Ms Ana Catarina Mendonça. In addition, it wishes to underline that gender equality is an integral part of human rights in a democratic society. The Council of Europe – as the con- tinent's "human rights watchdog" and "home of democ- racy"[2] – and, in particular, its Parliamentary Assembly, should be exemplary in applying gender equality princi- ples in its internal structures and working procedures.

1. [Reference to Committee: ...]
2. See Assembly Resolution 1547 (2007) on the state of human rights and democracy in Europe, Docs. 11202 and 11203

B. Proposed amendments

To the draft resolution

Amendment A (to the draft resolution)

In the draft resolution, after paragraph 2, add a new paragraph:

> *"Equality between women and men is an integral part of human rights and gender-based discrimination is an impediment to the recognition, enjoyment and exercise of human rights and fundamental freedoms. In addition, the balanced participation of women and men in political and public decision making is at the heart of the functioning of pluralist democracy. Therefore, the Parliamentary Assembly considers that the Council of Europe – as the continent's 'human rights watchdog' and 'home of democracy' –, should set the example by applying gender equality principles in its internal structures and working procedures."*

Amendment B (to the draft resolution)

In the draft resolution, after paragraph 8, add a new sub-paragraph:

> *"reiterate its appeal to political parties/groups to, first and foremost, promote equal access of women and men to elected offices in national parliaments".*

Amendment C (to the draft resolution)

In the draft resolution, in paragraph 8.1, replace "appeal again to national parliaments" by "urge national parliaments".

Amendment D (to the draft resolution)

In the draft resolution, after paragraph 9, add a new sub-paragraph:

> *"ask its own members, when candidates of both sexes are equally qualified, to support the appointment of the candidate of the under-represented sex."*

Amendment E (to the draft resolution)

In the draft resolution, after paragraph 9.6, add a new sub-paragraph:

> *"encourage its members to participate in the informal group of women members of the Assembly ('women's caucus'), above and beyond any national and political divisions, in order to facilitate exchanges of experience concerning, inter alia, representation of women in posts of responsibility."*

Amendment F (to the draft resolution)

In the draft resolution, after paragraph 10.3, add a new sub-paragraph:

> *"encourage its own members and relevant authorities, when candidates of both sexes are equally qualified, to support the appointment of the candidate of the under- represented sex".*

To the draft recommendation

Amendment G (to the draft recommendation)

In the draft recommendation, after paragraph 1, add a new paragraph:

> *"Equality between women and men is an integral part of human rights and gender-based discrimination is an impediment to the recognition, enjoyment and exercise of human rights and fundamental freedoms. In addition, the balanced participation of women and men in political and public decision making is at the heart of the functioning of a pluralist democracy. Therefore, the Parliamentary Assembly considers that the Council of Europe – as the continent's 'human rights watchdog' and 'home of democracy' – should set the example by applying gender equality principles in its internal structures and working procedures."*

Amendment H (to the draft recommendation)

In the draft recommendation, at the end of paragraph 3.2, add "as well as representation of women parliamentarians in posts of responsibility".

Amendment I (to the draft recommendation)

In the draft recommendation, after paragraph 3.3, add a new sub-paragraph:

> *"Strengthen its intergovernmental activities to pro- mote gender equality principles in Council of Europe member states, in particular within national parliaments and governments."*

C. Explanatory memorandum, by Mrs Ingrida Circene

1. Gender equality: an integral part of human rights in a democratic society[3]

1. Equality between women and men is an integral part of human rights and gender-based discrimination is an impediment to the recognition, enjoyment and exercise of human rights and fundamental freedoms.[4] In addition, the balanced participation of women and men in political and public decision making is at the heart of the functioning of pluralistic democracy.[5]

2. While the European Convention on Human Rights (ECHR) does not include gender equality as a general principle, it does, under Article 14, prohibit any "distinc- tion" based, *inter alia,* on grounds of sex, in relation to the rights protected under the Convention. Protocol No. 12 to the European Convention on Human Rights, which entered into force in April 2005, represents an important step forward for building equality between women and men by securing a general prohibition of discrimination by any public authority on, *inter alia*, the grounds of sex, regarding the enjoyment of any rights set forth by law and not only rights and freedoms of the ECHR.

3. In addition, in May 2007, the Parliamentary Assembly recommended that the Committee of Ministers draw up a new protocol to the ECHR enshrining gender equality as a fundamental human right with pre-eminence over any provision deriving from, or applicable under, pri- vate international law agreements or conventions.[6]

4. Despite positive and significant achievements in Council of Europe member states in the field of equality between women and men, in both legislation and policy making, participation by women in decision making is still limited. The Council of Europe itself is no exception. Achieving a balanced participation of women and men in political and public decision making remains an ongoing challenge for Council of Europe member states, the Council of Europe, as well as the Parliamentary Assembly itself since the principle of equal representation has not yet reached all aspects of its internal structures and work- ing procedures.

5. Political parties/groups bear a strong responsibility for promoting access for women to elected offices in national parliaments and should be encouraged to step up actions in this respect in order to increase, from the out- set, the percentage of women in parliaments.

2. Applying standards and principles that we advocate

6. One of the primary concerns of the Council of Europe is to safeguard and promote human rights, democracy and the rule of law and all its activities must contribute to this fundamental objective. In this context, gender equality principles are an integral part of the values the Council of Europe – and its Assembly – stand for.

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3. See Parliamentary Assembly documents on gender equality http://assembly.coe.int/default.asp, the Directorate General of Human Rights and Legal Affairs Equality Division, http://www.coe.int/equality and the Commissioner for Human Rights viewpoints of 20 August 2007 and 2 May 2006, http://www.coe.int/t/commissioner/default_EN.asp.
4. See Council of Europe Committee of Ministers' Declaration on Equality of Women and Men of 16 November 1988.
5. See Recommendation Rec(2003)3 of the Committee of Ministers to mem- ber states on balanced participation of women and men in political and pub- lic decision-making.
6. See Parliamentary Assembly Recommendation 1798 (2007) on respect for the principle of gender equality in civil law and Doc. 11177.

7. As the main European organisation promoting and defending human rights and the oldest pan-European insti- tution standing for democratic values and principles,[7] the Council of Europe, including its Parliamentary Assembly, should set the example and ensure that equality principles between women and men are applied in theory and in prac- tice within its own structures and procedures.

8. Consequently, political parties/groups should, firstly, promote access of women to elected offices in national parliaments and, secondly, national parliaments should be urged – rather than invited – to take full account of the principle of gender equality in national delegations to the Council of Europe Parliamentary Assembly.

9. With regard to gender balance applying to the Assembly's own structures and decision-making mechanisms (President, vice-presidents, Bureau of the Assembly, committees, sub-committees and ad hoc committees, rapporteurs), I consider that it is now high time, at the very least, to call on national authorities, Assembly committees and political groups to take into account the principle of gender equality and to appoint more women.

10. Concerning gender balance applying to procedures for elections to high level posts in the Council of Europe in which the Assembly and the Committee of Ministers are involved, I fully support the rapporteur's proposal to encourage relevant bodies and personalities to present candidates of both sexes where there is more than one candidate.

3. Where candidates of both sexes are equally qualified, recommend the appointment of the candidate of the under-represented sex

11. In addition, when candidates of both sexes are repre- sented, I consider that primary consideration should be given to their merits. Where they are equally qualified, Assembly members and relevant bodies/ authorities should support the appointment of the candidate of the under-represented sex.[8]

4. Encourage the exchange of experience to increase representation of women in posts of responsibility

12. Finally, all members of the Assembly should be encouraged to participate in the informal group of women members of the Assembly ("women's caucus"), above and beyond any national and political divisions, in order to facilitate the exchange of experience concerning, *inter alia,* representation of women in posts of responsibility.

Reporting committee: Committee on Rules of Procedure and Immunities.

Committee for opinion: Committee on Legal Affairs and Human Rights.

Reference to committee: Doc. 10624 and Reference No. 3123 of 1 September 2005; Resolution 1489 (2006) and Reference No. 3261 of 30 June 2006.

Opinion approved by the committee on 2 October 2007.

See Standing Committee, 23 November 2007 (adoption of the draft resolution and draft recommendation); and Resolution 1585 and Recommendation 1819.

7. See Parliamentary Assembly Resolution 1547 (2007) on the state of human rights and democracy in Europe, Docs. 11202 and 11203.
8. In this respect, see also Doc. 11182, paragraph 45, Improving selection procedures for CPT members.