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Increasing women's representation in politics through the electoral system

Report

Committee on Equal Opportunities for Women and Men

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Summary

Equal participation of women and men in political life is one of the foundations of democracy and one of the goals of the Council of Europe. Unfortunately, nearly thirty-five years after the first United Nations World Conference on Women in Mexico City, and nearly fifteen years after the fourth in Beijing, women remain grievously under-represented in politics. Women still hold less than 20% of parliamentary seats and ministerial portfolios worldwide, and less than 5% of heads of state are women.

The lack of equal representation of women and men in political and public decision making is a threat to the legitimacy of democracies and a violation of the human right of gender equality. Member states can and should rectify this situation as a priority by taking a number of measures, including:

- associating the gender equality and anti-discrimination provisions in their constitutions and their electoral laws with the necessary exception allowing positive discrimination measures for the under-represented sex;
- reforming their electoral system to one more favourable to women's representation in parliament;
- encouraging political parties to voluntarily adopt gender quotas and to take other positive action measures, also within their own decision-making structures, and especially the party structure responsible for nomination of candidates for elections.

The Assembly should call on the Committee of Ministers to continue its work in this field, and should recommend that it instruct the competent committee to consider drafting an additional protocol to the European Convention on Human Rights in order to enshrine the right to equality for women and men therein, as well as the necessary exception allowing positive discrimination measures for the under-represented sex.



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A. Draft resolution

1. Equal participation of women and men in political life is one of the foundations of democracy and one of the goals of the Council of Europe, reaffirmed by the Organisation's Committee of Ministers as recently as May 2009.
2. Unfortunately, nearly 35 years after the first United Nations World Conference on Women in Mexico City, and nearly 15 years after the fourth in Beijing, women remain grievously under-represented in politics. Women still hold less than 20% of parliamentary seats and ministerial portfolios worldwide, and less than 5% of heads of state are women. This under-representation constitutes a waste of talent, and also weakens democracy and human rights.
3. There are many factors which lead to women's under-representation in politics. The most important factor is probably the decade-old backlash against women's rights. In Europe, societies remain characterised by attitudes, customs and behaviour which disempower women in public life, discriminate against them, and hold them hostage to prescribed role-models and stereotypes according to which women are "not suited" to decision making and politics. Unsocial meeting hours and a lack of childcare facilities for politicians can further deter women candidates – politics is tailored to fit men who do not bear even a minimum share of family responsibilities and who rely on their wives to keep the household running.
4. The attitudes, customs and behaviour described above influence a country's institutional, party and electoral landscape; but conversely, a change in that landscape can also impact society's attitudes. Changing the electoral system to one more favourable to women's representation in politics, in particular by adopting gender quotas, can lead to more gender balanced, and thus more legitimate, political and public decision making. This was already recognised by the Committee of Ministers in its Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision making, and reaffirmed by the Parliamentary Assembly on several occasions – most recently when awarding its first Gender Equality Prize in September 2009.
5. However, changing the electoral system is not enough: to be really effective, this change must be accompanied by measures such as gender-sensitive civic education and the elimination of gender stereotypes and "built-in" bias against women candidates, in particular within political parties, but also within the media. In some Council of Europe member states, constitutions also need to be changed in order to accompany gender equality and anti-discrimination provisions with the necessary exception allowing positive discrimination measures for the under-represented sex, without them being considered a violation of the equality principle.
6. The Assembly considers that the lack of equal representation of women and men in political and public decision making is a threat to the legitimacy of democracies and a violation of the human right of gender equality, and thus recommends that member states rectify this situation as a priority by:
 - 6.1. associating the gender equality and anti-discrimination provisions in their constitutions and their electoral laws with the necessary exception allowing positive discrimination measures for the under-represented sex, if they have not done so already, as a precondition recognised by the Council of Europe's European Commission for Democracy through Law (Venice Commission);
 - 6.2. fully implementing the recommendations contained in Committee of Ministers Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision making, in Parliamentary Assembly [Recommendation 1676 \(2004\)](#) on women's participation in elections and [Resolution 1489 \(2006\)](#) on mechanisms to ensure women's participation in decision making, and in Recommendation 273 (2009) of the Congress of Local and Regional Authorities of the Council of Europe, in particular as concerns changing electoral systems and introducing gender quotas;
 - 6.3. reforming their electoral system to one more favourable to women's representation in parliament:
 - 6.3.1. in countries with a proportional representation list system, consider introducing a legal quota which provides not only for a high proportion of female candidates (ideally at least 40%), but also for a strict rank-order rule (e.g. a "zipper" system of alternating male and female candidates), and effective sanctions (preferably not financial, but rather the non-acceptance of candidacies/candidate lists) for non-compliance, ideally in combination with closed lists in a large constituency and/or a nationwide district;

- 6.3.2. in countries with majority or plurality systems, consider introducing the principle of each party choosing a candidate amongst at least one female and one male nominee in each party district, or find other ways of ensuring increased representation of women in politics, such as, for example, applying innovative mandatory gender quotas within political parties, or “all-women shortlists” or “twinned” constituencies, again accompanied by effective sanctions;
- 6.4. limiting by law the number of political posts (on local, regional, national or European level) which can be held simultaneously;
- 6.5. encouraging political parties to voluntarily adopt gender quotas and to take other positive action measures, also within their own decision-making structures, and especially the party structure responsible for nomination of candidates for elections;
- 6.6. accompanying these changes by measures such as gender-sensitive civic education and the elimination of gender stereotypes and “built-in” bias against women candidates, in particular within political parties, but also within the media and trade unions.

B. Draft recommendation

1. The Parliamentary Assembly, referring to its Resolution no. ... (2010) on increasing women's representation in politics through the electoral system, welcomes the Committee of Ministers' commitment to making equal participation of women and men in political life and in decision making in all spheres a reality, as evidenced by its Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision-making, and its Declaration of 12 May 2009 entitled: "Making gender equality a reality".
2. The Assembly calls on the Committee of Ministers to continue its work in this field, and to encourage the member states of the Council of Europe to take the necessary measures in order to increase women's representation in politics by:
 - 2.1. reforming their electoral system to one more favourable to women's representation:
 - 2.1.1. in countries with a proportional representation list system, consider introducing a mandatory quota which provides not only for a high proportion of female candidates (ideally at least 40%), but also for strict rank-order rule (e.g. a "zipper" system of alternating male/female candidates), and effective sanctions (preferably not financial, but rather the non-acceptance of candidacies/candidate lists) for non-compliance, ideally in combination with closed lists in a large constituency and/or a nation-wide district;
 - 2.1.2. in countries with majority or plurality systems, consider introducing the principle of each party choosing a candidate amongst at least one female and one male nominee in each party district, or find other ways of ensuring increased representation of women in politics, such as, for example, applying innovative mandatory gender quotas within political parties, or "all-women shortlists" or "twinned" constituencies, again accompanied by effective sanctions;
 - 2.2. associating the gender equality and anti-discrimination provisions in their constitutions and their electoral laws with the necessary exception allowing positive discrimination measures for the under-represented sex, if they have not done so already;
 - 2.3. accompanying these changes by measures such as gender-sensitive civic education and the elimination of gender stereotypes and "built-in" bias against women candidates, in particular within political parties, but also the media;
3. The Assembly recommends that the Committee of Ministers instruct the competent committee to consider drafting an additional protocol to the European Convention on Human Rights in order to enshrine the right to equality for women and men therein, as well as the necessary exception allowing positive discrimination measures for the under-represented sex.

C. Explanatory memorandum by Ms Err, rapporteur

1. Introduction

1. Equal participation of women and men in political life is one of the foundations of democracy and one of the goals of the Council of Europe, reaffirmed by the Organisation's Committee of Ministers as recently as last May.¹ Unfortunately, gender equality in politics has remained an ideal rather than becoming a reality: many recommendations contained in Committee of Ministers Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision making have yet to be implemented,² and many of the recommendations made by the Parliamentary Assembly in [Recommendation 1676 \(2004\)](#) on women's participation in elections and [Resolution 1489 \(2006\)](#) on mechanisms to ensure women's participation in decision making have suffered the same fate. Even though the whole international community – not just the Council of Europe – has paid great attention to women's representation in, and impact on, political decision-making structures (in particular since the first United Nations World Conference on Women held in Mexico City in 1975), progress has been slow and disappointing. As the Secretary General of the Inter-Parliamentary Union (IPU), Anders B. Johnsson, put it in 2008: "In 1975, women held 10.9% of all parliamentary seats worldwide. After more than thirty years of pledges, prescriptions and persuasion, women occupy less than 18% of all parliamentary seats in 2008."³

2. The situation when it comes to the executive level is not any better. In 2008, only 16% of ministerial portfolios were held by women. Women are also a minority in the highest positions of the state: of the 150 heads of state at the start of 2008, only seven (4.7%) were women. Only eight of the world's 192 governments (4.2%) were headed by women.⁴

3. There are many factors which lead to women's under-representation in politics – which constitutes not just a waste of talent, but also weakens democracy and human rights (gender equality being a human right and one of the foundations of democracy). The most important factor leading to women's under-representation in politics, in my view, is the fact that most of us – even in Europe – still live in societies which are characterised by attitudes, customs and behaviour which disempower women in public life, discriminate against them, and hold them hostage to prescribed role-models and stereotypes according to which women are "not suited" to decision making and politics. It should thus come as no surprise that the findings of a very large survey of parliamentarians, undertaken by the IPU in 2008, support the idea that "for men politics is, on the whole, a largely accessible profession while for women, it is not."⁵ According to a March 2009 poll, 77% of women and 71% of men in the European Union believe politics is a male-dominated field.⁶

4. However, a country's institutional landscape and framework can also impact greatly on the representation of women in politics. At first glance seemingly neutral factors – such as electoral systems – can have wide-ranging effects. Electoral systems are, however, not set in stone, which is why I presented a motion for a resolution on the impact of electoral systems on women's representation in politics to the Assembly in January 2008, together with several of my colleagues. This motion was referred to this committee for report, and I was appointed rapporteur.

5. The Committee decided to make use of the expertise of the Council of Europe's European Commission for Democracy through Law (Venice Commission). The commission presented the committee with a report on the matter in June 2009, based on a contribution by the German expert Michael Krennerich. This report – published as CDL-AD(2009)029 – is publicly available, and, in my view, an excellent basis on which to prepare my own report. I agree with the Venice Commission's opinion that the impact of electoral systems on women's representation in politics is linked with gender quotas, that is, the same electoral system may lead to totally different outcomes depending on whether or not gender quotas (of any kind) have been instituted and are enforced. I will thus devote a significant portion of this explanatory memorandum to the question of the effect of gender quotas in conjunction with the electoral system.

1. On 12 May 2009, the Committee of Ministers adopted a declaration entitled "Making gender equality a reality".

2. And this, despite the fact that the Council of Europe's Steering Committee on Equality between Women and Men (CDEG) is monitoring the implementation of this recommendation.

3. Foreword to the 2008 Inter-Parliamentary Union (IPU) study on "Equality in Politics: A Survey of Women and Men in Parliaments", No. 54 in the reports and documents series, p. iii.

4. All figures from the above-mentioned IPU study, p. 15.

5. *Ibid.*, p. 17.

6. EurActiv Network: Citizens, politicians at odds over gender quotas, 6 March 2009.

2. Electoral systems and their impact on women's representation in politics

6. I subscribe to the Venice Commission's definition of the electoral system, which "regulates the means by which voters express their political preferences and how votes are translated into political mandates/seats".⁷ The commission's study focused only on the electoral systems for elections to lower or single houses of parliament – as did, incidentally, the above-mentioned IPU study and a 2008 study commissioned by the European Parliament on electoral gender quota systems and their implementation in Europe.⁸ In these circumstances, I have little choice but to do likewise.

7. According to the Venice Commission's report, one of the most well-established findings is that countries applying proportional representation systems have a higher proportion of women in their parliaments than those with majority or plurality systems.⁹ Combined electoral systems, such as, for example, mixed member proportional systems, appear to be more conducive to women's parliamentary representation than plurality or majority systems, but less favourable than traditional proportional representation systems.¹⁰ I would add that plurality/majority systems actually are unfavourable to all "atypical" candidatures – in other words, all candidatures by people other than white, middle-class, middle-aged men with a good education. Choosing an electoral system more conducive to women's representation should thus automatically also serve candidatures from young or old people, immigrants, or others.

8. In most Council of Europe member states, parliamentarians are elected by proportional representation in multi-member (rather than single member) constituencies. Usually, multi-member constituencies are considered to be more conducive to female nomination and representation than single member constituencies.¹¹ The reason given is that multi-member districts allow for balancing the party ticket, and thus represent various internal party interests, strengthen the party's coherence, and attract female voters.¹²

9. District magnitude in multi-member constituencies also seems to play a role. It is assumed that, the larger the district magnitude, the more women will be nominated and elected.¹³ However, "party magnitude" may play an even bigger role, that is, the number of seats a party wins or expects to win in a given district. It appears that only if a party anticipates that it will win several seats in a constituency will it truly practice ticket-balancing (which is favourable to women candidates).¹⁴

10. Legal thresholds – which define the minimum vote share a party needs to be awarded seats – should not normally favour female representation, as small parties which may represent women's interests are excluded from parliamentary representation. However, in practice, thanks to the legal threshold, only parties with a relatively high party magnitude enter parliament – they even profit from the exclusion of small parties. Since they thus have more room on the ticket to nominate women, it is more likely that women will be among the mandate-holders.¹⁵ However, the Assembly has been critical of thresholds of more than 3% for other reasons related to fair democratic representation. I will leave the question of thresholds to my fellow rapporteur of the Political Affairs Committee, Mr Daems, since I will be presenting this report together with his more general report devoted, *inter alia*, to the threshold question, in a joint debate during the January 2010 part-session of the Assembly.

11. While only individual (party) candidates are possible in plurality/majority systems in single member districts, in proportional representation systems, different list forms are applied: closed, open or free. With closed lists the political parties determine the ranking order of candidates on the electoral ballot and the voter endorses the entire list without any possibility of changing the order in which the seats are allocated to the candidates. In contrast, with open lists, the voter may express a preference for particular candidates, thus changing the ranking order of the list. With free lists, the voter may even choose between candidates from

7. European Commission for Democracy through Law (Venice Commission): "Report on the impact of electoral systems on women's representation in politics", Strasbourg, 16 June 2009, CDL-AD(2009)029, p. 4.

8. Women in Politics Research Centre, Stockholm University, in co-operation with the International Institute for Democracy and Electoral Assistance: "Electoral Gender Quota Systems and their Implementation in Europe", Brussels, September 2008, PE 408.309.

9. Venice Commission report, p. 8. Only the United Kingdom, France and Azerbaijan have plurality or majority systems amongst Council of Europe member states, though this type of electoral system is very common worldwide.

10. *Ibid.*, p. 8. Such combined systems are used in Armenia, Georgia, "the former Yugoslav Republic of Macedonia", Lithuania, Andorra, Monaco, Germany and Hungary in the Council of Europe area. See *ibid.*, Appendix C.

11. *Ibid.*, pp. 9-10. In Slovenia and Switzerland, a few single member constituencies co-exist with proportional representation.

12. *Ibid.*, p. 10.

13. *Ibid.*, p. 11.

14. *Ibid.*, p. 11.

15. *Ibid.*, p. 12.

different lists. Which type of list is most advantageous to women's representation depends on whether or not gender quotas regarding the ranking order exist and are effectively implemented – in which case, closed lists would seem more advantageous – and to what degree women organise themselves and actively campaign for female candidates – in which case, preference voting may not work against women.¹⁶

12. The Council of Europe has just published an information document entitled “Parity democracy – A far cry from reality”, a comparative study on the results of the first and second rounds of monitoring of Committee of Ministers Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision making.¹⁷ This study also includes a short analysis of the possible impact of the electoral system and of quota laws or quota rules or regulations on the representation of women in parliament. Essentially, it comes to the same conclusions regarding the impact of electoral systems as the Venice Commission (“according to the data provided, the systems that seem to favour higher participation of women in both surveys are the proportional representational systems”¹⁸), but lacks data to make an effective assessment of the effect of quota rules and regulations.¹⁹

3. The impact of gender quotas in conjunction with electoral systems

13. According to the Venice Commission, electoral gender quotas can be considered an appropriate and legitimate measure to increase women's parliamentary representation. I would add that arguments against gender quotas lack even basic legitimacy when, in many of our member states, regional/language/nationality and/or socio-professional quotas are accepted and implemented. An impressive number of countries worldwide have introduced electoral gender quotas in recent years, and in many more countries political parties apply, additionally or alternatively, voluntary gender quotas.²⁰ A cautionary note has to be added here, however: not all quotas are the same. The real difference between the different types of quotas is not really whether or not they are mandatory, but rather whether they are means- or result-orientated,²¹ and whether or not they are precise and fine-tuned to a country's situation (rank-order on electoral lists and sanctions).

14. So far, 10 Council of Europe member states have introduced mandatory legal quotas for national parliaments,²² but they differ considerably with regard to the minimum percentage of each sex among the candidatures, from a 15% to a 40% required minimum of both sexes. A few countries also provide for ranking order on the list,²³ but none of these legal quotas provides for a “zipper system”, where every other candidate on the list must be a woman. Legal sanctions for non-compliance may lead to non-approval of the list – the most effective sanction (applied in Armenia, “the former Yugoslav Republic of Macedonia”, Serbia, Slovenia, and Spain), limiting the number of candidates (applied in Belgium) or reducing public funding (applied in Albania, France and Portugal).²⁴ The de facto impact of the legal quotas on women's representation in parliament has varied according to their severity (the minimum percentage fixed) and the sanction applied. Thus, for example, political parties in France were willing to accept the massive loss of public funds for not having met the legal gender quota.²⁵

15. In about 30 Council of Europe member states, one or more political parties have adopted voluntary quotas in order to guarantee the nomination of a certain proportion of women – most of them Green, Socialist or leftist parties. As with legal quotas, the severity of the quotas varies – usually they range from a 20% to a

16. *Ibid.*, pp. 12-13.

17. Document approved by the Steering Committee for Equality between Women and Men (CDEG) at its meeting in Strasbourg from 25 to 27 November 2009.

18. *Ibid.*, p. 12.

19. *Ibid.*, p. 17.

20. Venice Commission report, p. 13. During a presentation to the Interparliamentary Conference on Gender Equality in Stockholm in the framework of the Network of Parliamentary Committees for Equal Opportunities for Women and Men in the European Union (NCEO) on 12 and 13 November 2009, Professor Drude Dahlerup from Stockholm University explained that around 50 countries have so far introduced mandatory electoral gender quotas, and in more than 50 additional countries voluntary party quotas have been introduced, most of them in the last fifteen years.

21. A means-orientated quota does not provide any guarantee that women will actually be elected, while results-orientated quotas do.

22. In chronological order: Belgium, Bosnia and Herzegovina, France, Armenia, “the former Yugoslav Republic of Macedonia”, Serbia, Portugal, Slovenia, Spain and Albania. *Ibid.*, p. 14.

23. Serbia (every fourth position must be filled with the under-represented sex), Spain (every fifth position), Armenia (every 10th position), Bosnia and Herzegovina (there must be one candidate of the under-represented sex among the first two positions on the list, two candidates among the first five, and three among the first eight) and Belgium (the top two positions must not be filled by candidates of the same sex). *Ibid.*, pp. 14-15.

24. *Ibid.*, p. 15.

25. *Ibid.*, p. 15.

40% minimum requirement for the under-represented sex. However, there are also a number of parties with a 50% quota for women on party lists.²⁶ Parties operating outside of proportional representation electoral systems have innovated gender quotas, such as “all-women shortlists” (the British Labour Party) or by “twinning” constituencies (the Scottish Labour Party). One party, the Socialist Party of Portugal, went so far as to mandate a 33% gender quota for all parties for all elections, thus exporting its own voluntary party quota to all political parties when it was in government, a feat for which the party was awarded the first Gender Equality Prize of the Parliamentary Assembly of the Council of Europe in 2009.²⁷

16. It is noteworthy that in some countries which apply only voluntary party quotas, women’s parliamentary representation is relatively high. As a rule, it can be said that the larger the parties that apply voluntarily gender quotas, the greater the impact. However, voluntary party quotas in small parties can also make an impact on women’s representation, as there is an effect of “contagion” on parties of similar political ideology in competition with that small party, who may feel obliged to emulate that party to be able to effectively compete in elections.²⁸

4. Further considerations

17. The Venice Commission thus concludes that, in theory, the following electoral system should be most favourable to women’s representation in parliament: a proportional representation list system in a large constituency and/or a nationwide district, with a legal threshold, closed lists and a mandatory quota which provides not only for a high portion of female candidates, but also for strict rank-order rule (for example, a zipper system), and effective sanctions for non-compliance.²⁹

18. It would, of course, be tempting to take this recipe and apply it to all Council of Europe member states. Sadly, this would probably not work – not because the recipe is wrong, but because the political will is lacking. Women’s representation in politics is, unfortunately, not exactly a priority for many member states – and even less so for some political parties. Not all Council of Europe member states have associated the gender equality and anti-discrimination provisions in their constitutions and other applicable legislation with the necessary exception allowing positive discrimination measures for the under-represented sex. Thus, for example, the first runner-up to the 2009 Assembly Gender Equality Prize, the British Labour Party, had to change the law when in government to make it possible to continue applying the innovative “all-women shortlists” within their party.

19. The true motor is the political will to feminise the world of politics. If this will existed, quotas would be unnecessary. But since this will is lacking, quotas can replace the strong political will necessary, and will produce results providing the legal and internal rules are complete. Unfortunately, few voters realise that quotas really are the answer to the lack of political will: in a March 2009 poll, 70% of women across the European Union were in favour of 50% women in parliaments, but only 10% of women and 12% of men thought that gender quotas were the answer.³⁰

20. As Professor Drude Dahlerup of Stockholm University has pointed out,³¹ this is because many people continue to blame women for their under-representation in politics, rather than a political system which excludes women and discriminates against them. Underlying the belief that gender quotas are not needed is the idea that there is a lack of qualified women willing to run for office and that women voters do not vote for women candidates. However, in reality, it is male voters who do not vote for women candidates, and women’s education and qualifications have long since matched or even overtaken men’s, especially in Europe. The true problem remains old-fashioned discrimination against women, and this can only be overcome with affirmative action, including electoral and party gender quotas, as agreed in Beijing nearly fifteen years ago.

21. In addition, as the Venice Commission itself pointed out, the aim of improving women’s representation may conflict with other aims, such as ensuring a fair parliamentary representation of small parties and improving the voter-representative relationship. The Venice Commission thus concludes: “In order to increase

26. *Ibid.*, p. 16.

27. See the Parliamentary Assembly of the Council of Europe Gender Equality Prize website at: http://assembly.coe.int/Communication/Campaign/EqualityPrize/default_EN.asp.

28. Venice Commission report, pp. 16-17.

29. *Ibid.*, p. 18.

30. EurActiv Network: Citizens, politicians at odds over gender quotas, 6 March 2009.

31. At the interparliamentary NCEO conference in Stockholm, cited above.

effectively both the descriptive and substantial representation of women in politics, a much broader and more comprehensive approach is necessary than changing electoral legislation. Nevertheless, appropriate electoral reforms may facilitate such a process.”³²

22. The IPU survey I mentioned earlier in this report may hold some of the answers regarding the comprehensive approach needed. The IPU works on the principle that there is a fundamental link between democracy and a genuine partnership between women and men in the management of public affairs, and that the historic sidelining of women from the structures of state that determine political and legislative priorities must thus stop.³³ Women face obstacles at several levels.

- a. First, they must decide to enter politics, and be able to do so.
- b. To run for parliament, they must persuade their political parties (or the decision makers therein) to field them as a candidate.
- c. They must win the election.

23. In the IPU survey, respondent parliamentarians identified domestic responsibilities as the most important deterrent for women to enter politics (while respondents identified lack of support from the electorate as the single most important deterrent for men). Prevailing cultural attitudes were the second most significant factor to deter women from entering politics (not surprisingly, this was one of the least important deterrent factors for men).³⁴ For these attitudes to change, the general population needs to be convinced that women make as effective legislators as men: awareness-raising campaigns and gender-sensitive civic education thus seem to be required. Unsocial hours in parliament and a lack of childcare facilities for parliamentarians can further deter women candidatures.

24. To run for parliament, both female and male respondents agreed that one of the biggest obstacles was financial: the type of campaign finance thus also seems to require special attention, for example in order to limit or cap campaign expenditure, as well as to implement funding mechanisms to support women’s candidacies.³⁵ Political parties, and the decision makers within their hierarchies, maintain firm control over the selection of candidates to contest elections, as well as the determination of the ranking order of candidates on the electoral ballot. These “gatekeepers” are typically closed entities and many maintain “old boy networks” that make it difficult for women to infiltrate the party leadership. Without clear rules (for example, party quotas), candidate selection and determination of ranking order on electoral lists is thus often dominated by male leaders, which hampers women’s access to legislatures.³⁶ For this to change, parties need to become more open to women, and need to change their perception of women – this is more likely to happen, according to the IPU survey, when women are organised effectively and make the increased representation of women in the legislature and the party an explicit goal.³⁷

25. Finally, for women to win the election, they must gain the support of the voters – including women voters. According to the Venice Commission’s report, women, once nominated, tend to do as well as men in parliamentary elections in established democracies.³⁸ This means that political parties which refuse to field women are not acting rationally, but rather in accordance with fallacious gender or sexist stereotypes.

5. Conclusions and recommendations

26. It follows from the above that:

- a. women are still grievously under-represented in politics in most Council of Europe member states;
- b. the lack of equal representation of women and men in political and public decision making is a threat to the legitimacy of democracies and a violation of the human right of gender equality which must be rectified as a priority;

32. Venice Commission report, p. 19.

33. IPU study, p. iii and p.1.

34. *Ibid.*, p. 17.

35. *Ibid.*, p. 21. However, this is not a problem in all Council of Europe member states, such as, for example, my own country, Luxembourg, where campaign financing is not a hurdle for either sex.

36. *Ibid.*, p. 24.

37. *Ibid.*, p. 24.

38. Venice Commission report, p. 7.

- c. the most important factor leading to the current under-representation of women in politics is linked to attitudes, customs and behaviour widespread in society which disempower women, discriminate against them and hold them hostage to prescribed role-models and stereotypes according to which women are “not suited” to decision making and politics;
- d. these attitudes, customs and behaviour also influence a country’s institutional, party and electoral landscape; but conversely, a change in that landscape can also impact on society’s attitudes;
- e. changing the electoral system to one more favourable to women’s representation in politics, including by introducing gender quotas, can lead to more gender-balanced, and thus more legitimate, political and public decision making;
- f. in theory, the following electoral system should be most favourable to women’s representation in parliament: a proportional representation list system in a large constituency and/or a nationwide district, with a legal threshold, closed lists and a mandatory quota which provides not only for a high portion of female candidates, but also for strict rank-order rule (e.g. a zipper system), and effective sanctions (preferably not financial, but rather the non-acceptance of candidacies/candidate lists) for non-compliance.

27. The Forum for the Future of Democracy, which was devoted to electoral systems, debated this topic, amongst others, in October 2009 in Kyiv (Ukraine). The general rapporteurs of the forum concluded that women should be fairly represented at all stages of the electoral process: “Built-in bias should be eliminated and member states and political parties should take measures to improve the conditions for women’s participation and representation throughout the electoral process. This should include gender-sensitive civic education and possible adaptation of electoral systems to make them more open to women’s representation in politics, including by introducing gender quotas for candidates.”³⁹

28. At its last plenary session, the Congress of Local and Regional Authorities of the Council of Europe also took up the subject in its Recommendation 273 (2009) on equal access to local and regional elections. In paragraph 5b., the Congress recommends that the Committee of Ministers urge the governments of member states “to achieve equal representation of each sex, to establish an electoral system at local and regional level ensuring that men and women alternate on lists (with a minimum of 1 to 3), with financial penalties in the event of non-compliance, and to enable the under-represented sex to attain positions of responsibility within the executive bodies of municipalities and regions”. This means that the Congress has come to very similar conclusions to my own and those of the Venice Commission, with the exception of sanctions: since experience has shown that, at the national level, some parties are willing to shoulder hefty financial penalties for non-compliance with mandatory gender quotas, I would plead for more effective sanctions, for example, the non-acceptance of candidatures/candidate lists.

29. It should also be recalled that the Committee of Ministers already made the following recommendation to member states six years ago: “where electoral systems are shown to have a negative impact on the political representation of women in elected bodies, adjust or reform those systems to promote gender-balanced representation”, a recommendation which was taken up by the Assembly on several occasions, as described in the introduction to this report. It should thus go without saying that all these recommendations should be implemented without further delay.

30. Thus, a recommendation should be made to Council of Europe member states to:

- a. change their electoral system to one more favourable to women’s representation;
- b. associate the gender equality and anti-discrimination provisions in their constitutions and their electoral laws with the necessary exception allowing positive discrimination measures for the under-represented sex, if they have not done so already;
- c. accompany these changes by measures such as gender-sensitive civic education and the elimination of nefarious gender stereotypes and “built-in” bias against women candidates, in particular within political parties, but also in the media.

31. Finally, the Assembly should also recommend that the Committee of Ministers consider drafting an additional protocol to the European Convention on Human Rights in order to enshrine the right to equality for women and men therein, as well as the necessary exception allowing positive discrimination measures for the under-represented sex.

39. Council of Europe Forum for the Future of Democracy, “Electoral systems: strengthening democracy in the 21st century, Conclusions by the General Rapporteurs”, FFD(2009) 13E, paragraph 11.

Reporting committee: Committee on Equal Opportunities for Women and Men

Reference to committee: [Doc.11503](#), Reference 3417 of 14 April 2008

Draft resolution and recommendation adopted by the committee on 30 November 2009

Members of the committee: Ms Pernille **Frahm** (Chairperson), Mr José **Mendes Bota** (First Vice-Chairperson), Ms Ingrida Circene (Second Vice-Chairperson), Ms Anna **Čurdová** (Third Vice-Chairperson), Ms Sonja **Ablinger**, Mr Francis **Agius**, Mr Florin Serghei Anghel, Ms Magdalena Anikashvili, Mr John **Austin**, Mr Lokman Ayva, Ms Marieluise Beck, Ms Déborah Bergamini, Ms Oksana Bilozir (alternate: Ms Olha **Herasym'yuk**), Ms Rosa Delia Blanco Terán (alternate: Ms Luz Elena **Sanín Naranjo**), Ms Olena Bondarenko, Mr Han Ten Broeke, Ms Anna Maria Carloni, Mr James **Clappison**, Ms Diana Çuli, Mr Kirtcho **Dimitrov**, Ms Lydie **Err**, Ms Catherine Fautrier, Ms Mirjana **Ferić-Vac**, Ms Sónia Fertuzinhos, Ms Doris Frommelt, Ms Alena **Gajdůšková**, Mr Giuseppe Galati, Ms Gisèle **Gautier**, Mr Neven Gosović, Ms Claude Greff, Mr Attila Gruber, Ms Carina Hägg, Mr Håkon Haugli, Ms Francine John-Calame, Ms Nataša Jovanović, Ms Charoula Kefalidou, Ms Birgen **Keleş**, Ms Krista Kiuru, Ms Elvira Kovács, Mr Terry Leyden, Ms Mirjana Malić, Ms Assunta Meloni, Ms Nursuna **Memecan**, Ms Dangutė Mikutienė, Mr Burkhardt Müller-Sönksen, Ms Hermine Naghdalyan, Ms Yuliya Novikova (alternate: Mr Ivan **Popescu**), Mr Mark **Oaten**, Mr Kent **Olsson**, Ms Steinunn Valdis Óskarsdóttir, Ms Antigoni Papadopoulos, Ms M^a del Carmen **Quintanilla Barba**, Mr Stanislaw Rakoczy, Mr Frédéric Reiss, Ms Mailis **Reps**, Ms Maria Pilar Riba Font, Ms Andreja Rihter, Mr Nicolae Robu, Ms Marlene **Rupprecht**, Ms Klára Sándor, Ms Albertina Soliani, Ms Tineke Strik, Mr Michał Stuligrosz, Ms Doris **Stump**, Ms Elke Tindemans, Mr Mihal Tudose, Mr Miltiadis Varvitsiotis, Ms Tatiana Volozhinskaya, Mr Paul Wille, Ms Betty **Williams**, Mr Gert Winkelmeier, Ms Gisela **Wurm**, Mr Andrej Zernovski, Mr Vladimir **Zhidkikh**

NB: the names of the members who took part in the meeting are printed in **bold**

Secretariat of the committee: Ms Kleinsorge, Ms Affholder, Ms Devaux