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Increasing women's representation in politics through the electoral system

Reply to Recommendation¹: Recommendation 1899 (2010)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 1899 \(2010\)](#) on "Increasing women's representation in politics through the electoral system". It has brought this text to the attention of the member states' governments. It has also communicated it to the Steering Committee for Equality between Women and Men (CDEG) and the European Commission for Democracy through Law (Venice Commission), whose comments are appended to this reply.

2. The Committee of Ministers, to a large extent, shares the concerns voiced by the Parliamentary Assembly in its recommendation. It regards gender equality as an integral part of human rights and a fundamental criterion for democracy and it is accordingly determined to pursue its action to promote the balanced participation of women and men in political and public decision making. In this connection, it recalls that, in the Declaration entitled "Making gender equality a reality", adopted on 12 May 2009 on the occasion of the 119th Ministerial Session, the Committee of Ministers urged member states to commit themselves fully to bridging the gap between equality in fact and in law. In this text, it clearly identified the policy measures to be taken to attain that objective and invited the Secretary General of the Council of Europe to monitor and evaluate progress in the implementation of gender equality policies every three years.

3. The Committee of Ministers is aware that, despite the many examples of formal recognition and the progress achieved, balanced participation of women and men in political decision making is not yet a reality. Inequality between women and men in political life is the outcome of social constructs founded on the many stereotypical ideas that exist, *inter alia*, in the family, educational, cultural, media and work environments and in the way society is organised. These are all fields in which structural changes are needed to ensure genuine gender equality.

4. The Committee of Ministers supports the member states' efforts to reform their electoral systems so as to make them more favourable to women's representation. It encourages them to fully implement Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision making. This recommendation contains guidelines for Council of Europe member states with a view to increasing and reinforcing women's participation. It invites the Assembly to acquaint itself with the CDEG's study concerning the implementation of this recommendation, entitled "Parity Democracy; a far cry from reality". This study contains detailed information with regard to the types of quotas and standards proposed by the Parliamentary Assembly.

5. It further recalls that, at the fifth Council of Europe Forum for the Future of Democracy, held in Kyiv (Ukraine) from 21 to 23 October 2009 on the theme "Electoral Systems: strengthening democracy in the 21st century", the participants stated 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

1. Adopted at the 1091st meeting of the Ministers' Deputies (16 September 2010).



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."

6. Concerning positive actions for the underrepresented sex, the Committee of Ministers recalls that in its above-mentioned Declaration of 12 May 2009, it had already urged member states to take action permitting the adoption of such measures. Proposals for action in this field should be implemented by the CDEG as part of its future programme of activities.

7. Concerning the drafting of a new protocol to the European Convention on Human Rights, the Committee of Ministers concurs with the CDEG that there are Council of Europe instruments that already offer a legal framework for combating all forms of discrimination against women and propose standards and mechanisms for attaining equality between women and men. This includes the general ban on discrimination ensuing from Protocol No. 12 to the European Convention on Human Rights. In this connection, the Committee of Ministers recalls that the Conference of Speakers of Parliament held from 10 to 12 June 2010 in Cyprus recommended that national parliaments should promote the signature and/or ratification of Protocol No. 12 by the competent national authorities, in order to ensure full respect for the principle of non-discrimination.

Appendix 1 to the reply

Comments by the Steering Committee for Equality between Women and Men (CDEG)

The CDEG received with interest this recommendation of the Parliamentary Assembly in line with its concerns on balanced participation of women and men in political and public life.

As regards the measures proposed by the Assembly on the reform of the electoral system, the CDEG informs the Assembly that a study has been prepared on the two monitoring cycles on the implementation of Recommendation Rec(2003)3 in 2005 and 2008. The results of the study "Parity democracy: a far cry from reality"² showed that the percentage of elected women increased from 21.1% in 2005 to 21.7% in 2008 and that in countries having established quotas rules/regulations, the percentage of elected women was 21.7% in 2005 and 27.1% in 2008.

Apart from the quotas imposed by law, quota regulations for electoral lists put forward by political parties in 11 member states showed that the average percentage of elected women was 25.7% in 2005 and 28.4 % in 2008, meaning an increase of 2.7%.

Moreover, the data collected in 2005 and 2008 relating to the impact of electoral systems on political participation of women, seems to indicate that systems of proportional representation, the most frequently used in European countries, are the most favourable to the balanced participation of women and men.

However, the study underlines that the more detailed aspects of electoral systems and gender quotas, including the minimum standards adopted, the ranking order in lists of candidates and the sanctions for non-compliance, the adoption date of laws and rules, the fact that quotas are applied by one party or several and other factors also constitute a list of variables which should need further analysis.

It can be concluded from this study that the increase in women's political participation, even if it is evident, is still limited. It shows that obstacles to such participation can be related to electoral systems, but also to the functioning of political life and to its rites and rhythms, that still follow a dominant male pattern of social organisation; they can also be related to the unwritten, traditional rules according to which political parties function. Finally, the deeper rooted obstacles are linked to educational, social and cultural factors that still tend to privilege the public/political domain as being a mainly male domain.

Consequently, the CDEG shares the opinion of the Assembly that legal and/or regulatory changes could not alone contribute to the balanced participation of women and men in political and public life and in decision making. It bases its opinion on the conclusions of its study and recommends, *inter alia*, to address concretely:

- the traditional social view of women's and men's roles and responsibilities and the consequent process of socialisation of girls and boys, women and men, for such stereotyped roles aiming at social and cultural change questioning any stereotyped ideas induced by this socialisation process;
- the political process itself, policy action and develop policies and programmes aimed at the creation of social conditions for participation of women and men in public and political life, on equal terms, including effective measures allowing for the reconciliation of family and public responsibilities.

With regard to the adoption of positive action (a terminology mainly used in Council of Europe documents) or of temporary special measures (as used in the United Nations Convention on the Elimination of All Forms of Discrimination against Women, to which all Council of Europe member states are parties), this may be a legitimate tool to accelerate the process of building equality in access to decision-making bodies in political and public life.

The issue related to positive action and gender stereotypes has been examined in Baku, on 24-25 May 2010, under the two sub-themes of the ministerial conference on equality between women and men. The discussion has resulted in a number of proposals for action to be implemented with the relevant bodies within the CDEG's future activity programme.

Concerning the drafting of a new Protocol to the European Convention on Human Rights, the CDEG recalls its position presented in former opinions, i.e. there are Council of Europe instruments that already offer a legal framework for combating all forms of discrimination against women and propose standards and mechanisms for achieving equality between women and men. This includes Protocol No. 12 to the Convention (general prohibition of discrimination). A first step for member states would be to implement concretely these standards

2. Study Parity democracy: a far cry from reality (CDEG (2009) 17), Ms Regina Tavares da Silva, 2009, Council of Europe Ed.

and set up the relevant mechanisms for their implementation. The CDEG reserves the possibility to further examine the issue of drafting a new protocol in co-operation with the Steering Committee for Human Rights (CDDH).

Appendix 2 to the reply

Comments by the European Commission for Democracy through Law (Venice Commission)

1. This document is a response by the Venice Commission to the request made by the Committee of Ministers at its 1077th meeting (24 February 2010), regarding Parliamentary Assembly [Recommendation 1899 \(2010\)](#) on “Increasing women’s representation in politics through the electoral system”.
2. This document was adopted by the Council for Democratic Elections at its 32nd meeting (Venice, 11 March 2010) and by the Commission at its 82nd plenary session (Venice, 12-13 March 2010).
3. The Venice Commission has drafted several documents relating to women’s participation in elections. Reference should first of all be made to point I.2.5 of the Code of Good Practice in Electoral Matters (CDL-AD(2002)023rev) and the Declaration on Women’s Participation in Elections (CDL-AD(2006)020), which state that “Legal rules requiring a minimum percentage of persons of each gender among candidates should not be considered as contrary to the principle of equal suffrage if they have a constitutional basis”.
4. The Commission further draws attention to the report on “The impact of electoral systems on women’s representation in politics” (CDL-AD(2009)029), drafted at the request of the Parliamentary Assembly’s Committee on Equal Opportunities for Women and Men.
5. The Parliamentary Assembly recommends a reform of electoral systems to one which, theoretically, is the most favourable to women’s representation (cf. CDL-AD(2009)029, paragraph 121).
6. Having said that, it is essential to bear in mind that there is a wide variety of socio-economic, cultural and political factors that can hamper or facilitate women’s access to parliament; moreover, the electoral system, apart from favouring women’s representation, can also pursue other political aims, including enabling the formation of stable governing majorities and ensuring a close voter-representative relationship. Since some of the objectives are antagonistic, no electoral system fulfils all requirements completely. Consequently, the appropriateness of an electoral system is dependent on the political aims which are given priority in a particular socio-cultural and political context (CDL-AD(2009)029, paragraph 126).