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Gender representation in the Parliamentary Assembly

Committee Opinion[1]
Committee on Equality and Non-Discrimination
Rapporteur: Ms Petra BAYR, Austria, Socialists, Democrats and Greens Group

A. Conclusions of the committee

1. The Committee on Equality and Non-Discrimination congratulates the rapporteur of the Committee on Rules of Procedure, Immunities and Institutional Affairs, Ms Nicole Trisse (France, ALDE), on her report, which aims to ensure that the Parliamentary Assembly's regulatory framework is in keeping with the aims set many years ago with regard to the promotion of gender equality.

2. Bearing in mind that our societies are made up of approximately half men and half women, the committee commends the rapporteur's recognition that establishing parliamentary parity (in the sense of a balanced and proportionate representation of voters) is not only a legitimate aim but also increasingly becoming the norm. In the committee's view, this is not only a fundamental question of equity and justice, as recognised in the report, but also a question of democracy, and essential to ensuring that the Assembly's work is inclusive and reflective of the diversity of society.

3. The committee supports the proposals contained in the draft resolution, in so far as they create a stronger basis for promoting gender equality within the Assembly's structures and work. Nevertheless, it considers that the Assembly can and must go further towards achieving these aims. The amendments it proposes are put forward in this spirit.

B. Proposed amendments

Amendment A (to the draft resolution)

In paragraph 8.1 replace the words "Each national delegation shall include members of the under-represented sex [footnote 1] to ensure at least the following gender representation" with the following words:

> *"The composition of each national delegation shall include both women and men. Delegations with two seats (4 members) shall include at least one woman as a representative. The composition of each national delegation with three seats (6 members) or more shall include at least the same percentage of women as in the composition of the national parliament appointing the delegation, unless this national parliament is composed of more than two-thirds of members of one sex. In the latter case, the following rules shall apply".*

Explanatory note

1. Reference to committee: Bureau decision, Reference 4493 of 31 January 2020. Reporting committee: Committee on Rules of Procedure, Immunities and Institutional Affairs. See Doc. 15366. Opinion approved by the committee on 15 September 2021.

This reinstates the requirement that delegations reflect the composition of their national parliaments, where it is more balanced than one-in-three. Promoting equal gender representation within the Assembly, which this report is intended to support, will not be possible if delegations appointed by gender-balanced parliaments are subject only to the "one-in-three" principle.

Amendment B (to the draft resolution)

In paragraph 8.1, replace, everywhere they appear, the words "shall have a minimum of [N1] members of the under-represented sex, including [N2] representative(s) of the under-represented sex" with the following words:

> *"shall have a minimum of [N1] women and [N1] men, including at least [N2] woman(women) and [N2] man(men) as representatives".*

The numbers [N1] and [N2] shall be the same as the numbers in the respective sub-paragraphs of paragraph 8.1 of the draft resolution.

Explanatory note

All numbers remain unchanged as compared with paragraph 8.1 of the draft resolution. However, the wording is simplified to avoid the term "the under-represented sex".

Amendment C (to the draft resolution)

After paragraph 8.2, insert the following paragraph:

> *"Delete the second sentence of Rule 7.2 and insert a new paragraph after Rule 7.2 as follows:*
>
> *"Credentials challenged because they do not respect the criteria set out in Rule 6.2.b shall not be ratified. By derogation from Rule 10.1 of the Rules of Procedure, the Assembly decides not to ratify the credentials of the delegation concerned until its composition has been brought into conformity with Rule 6.2.b of the Rules of Procedure."*

Explanatory note

Delegations that do not respect the rules on gender representation should not be able to participate in the Assembly's work. The Assembly should however give them an opportunity to align their composition with the Rules of Procedure. The procedure regarding credentials challenged on other grounds remains unchanged.

Amendment D (to the draft resolution)

In paragraph 8.3, replace the words "A delegation may propose a member of the over-represented sex only if it includes at least 40% of the under-represented sex" with the following words:

> *"A delegation that does not include at least 40% women and 40% men shall propose a candidate of a sex that does not represent more than 60% of the membership of the Assembly."*

Explanatory note

The wording has the same effect as the current text. However, the terms "over-" and "under-represented sex", which are impossible to define, are avoided. Gender-balanced delegations are free to choose their candidate to be vice-president. Those that are not gender-balanced must present a candidate of a gender that does not represent more than 60% of the membership of the Assembly.

Amendment E (to the draft resolution)

After paragraph 9.1, insert the following paragraph:

> *"establish the principle that, when proposing members of ad hoc committees, their gender breakdown is no less balanced than the composition of the group proposing them or, if this is more favourable to the promotion of gender equality, according to the "one in three" principle;".*

Explanatory note

This paragraph complements paragraph 10.2 of the draft resolution, which requires the Bureau to include at least one-third women and one-third men in all ad hoc committees. Political groups should play their part by ensuring they also respect this rule when proposing members of ad hoc committees.

Amendment F (to the draft resolution)

Replace paragraph 9.2 with the following paragraph:

> *"when appointing group spokespersons in Assembly debates, ensure that their gender breakdown is no less balanced than the composition of the group that appoints them or, if this is more favourable to the promotion of gender equality, follow the "one in three" principle;".*

Explanatory note

The gender breakdown in political groups in the Assembly depends on the composition of national delegations. Gender balance in the latter will however improve when the new rules are implemented. It is therefore reasonable to expect political groups to take stronger measures to promote gender equality in debates than those currently envisaged.

Amendment G (to the draft resolution)

In paragraph 10.1, replace, each time they appear, the words "at least 33% of members of the under-represented sex" with the following words:

> *"at least one-third women and one-third men".*

Explanatory note

This corresponds to exactly the same requirement as is specified in existing text of this paragraph, but avoids reasoning in terms of an "under-represented sex".

Amendment H (to the draft resolution)

In paragraph 10.2, replace the words "at least 33% of members of the under-represented sex" with the following words:

> *"at least one-third women and one-third men".*

Explanatory note

Same as for amendment G.

Amendment I (to the draft resolution)

In paragraph 10.3, replace the words "at least 33% of members of the under-represented sex" with the following words:

> *"at least one-third women and one-third men".*

Explanatory note

Same as for amendment G.

Amendment J (to the draft resolution)

After paragraph 11, insert the following paragraph:

> *"The Assembly invites the Bureau to report to it at least once annually on the implementation of the above measures, including on efforts to promote gender mainstreaming and change parliamentary culture on gender equality in the Assembly's work more generally, and to publish this report. In addition, it invites the Bureau to draw up guidelines for committees regarding the promotion of gender balance in their work. These guidelines should aim, inter alia, to ensure that committees pay due attention to gender balance amongst external interlocutors invited to participate in their work and in the appointment of representatives to external events. Committees should also be required to report at least once annually to the Bureau on the implementation of these guidelines and on their efforts to promote gender mainstreaming in their work."*

Explanatory note

There is considerable scope for strengthening gender mainstreaming in the work of the Assembly and its committees. This amendment aims to increase transparency and accountability in this field and to promote a more inclusive approach in committees' work on substance.

Amendment K (to the draft resolution)

After paragraph 11, insert the following paragraph:

> *"The Assembly underlines that progress towards gender equality in parliamentary structures will be hampered if due attention is not paid to the need to eliminate sexism and sexual harassment within these structures. It recalls the crucial recommendations made in its Resolution 2274 "Promoting parliaments free of sexism and sexual harassment", and instructs the Bureau to report to it by January 2022 on the steps taken to implement this Resolution within the Assembly."*

Amendment L (to the draft resolution)

In paragraph 13, replace the words "better representation of the under-represented gender" with the following words:

> *"more balanced representation of women and men".*

Explanatory note

For consistency.

C. Explanatory memorandum by Ms Petra Bayr, rapporteur for opinion

1. Introduction

1. I wish to congratulate Nicole Trisse (France, ALDE), for her report on behalf of the Committee on Rules of Procedure, Immunities and Institutional Affairs, which draws attention to the legitimacy of the objective of promoting gender-equal representation in political and public decision making, including within the Parliamentary Assembly, and makes proposals aimed at ensuring progress towards this goal. I welcome also the recognition that parliamentary parity is increasingly becoming the norm.

2. The Assembly's current rules provide that national delegations should include members of the under-represented sex at least in the same percentage as in their parliaments and, at a very minimum, one member of the under-represented sex appointed as a representative (Rule 6.2.a). However, a delegation's credentials can only be challenged if the second criterion is not fulfilled (i.e. if there is no representative of the under-represented sex) (Rule 7.1.b).

3. The report's proposals constitute a notable improvement, in so far as they are based on a "one-in-three" (33%) principle, according to which there must be at least one member of the under-represented sex for every three members. Thus, in delegations larger than 4 members and where this is more favourable to the under-represented sex, the delegation must include at least 33% of members of the under-represented sex (rounded upwards, or in one case downwards, in delegations whose total number of members is not a multiple of three). The minimum number of representatives of the under-represented sex is also increased for larger delegations. Credentials can be challenged wherever any of these conditions is not met. However, the rule currently in place according to which national delegations should include members of the under-represented sex at least in the same percentage as in their parliaments will be abandoned if the text is adopted as it stand. This would be a significant step backwards.

4. The report includes highly welcome proposals for strengthening gender equality within other Assembly structures, notably amongst vice-presidents, within committees appointed under Rule 44.3.a and *ad hoc* committees, amongst rapporteurs and in institutional appointments, again on the basis of the "one-in-three" principle. It also calls on political groups to take be more proactive in promoting the balanced representation and participation of women and men in the Assembly's decision-making bodies.

5. I also welcome the undertaking to increase the minimum representation of each sex in national delegations to 40% as from the opening of the 2026 session, while noting that this will require a further amendment of the rules in due course.

6. All in all, these proposals constitute an improvement compared with the present situation. Nonetheless, progress towards a 33% principle, and even a 40% principle in 2026, may still fall short of genuine parity – by which I do not mean a strictly arithmetic half-and-half requirement but a genuinely balanced and proportionate representation of voters.[2] My opinion therefore examines additional measures that the Assembly could take in order to further strengthen gender equality within its structures and in its work.

2. Why promote gender equality within the Assembly?

7. As mentioned above, gender equality is not merely a matter of fairness and justice. It is also a question of democracy. Women constitute approximately half of society. Beyond simply respecting their electoral rights to vote and stand for elections, women's effective participation in democratic decision-making processes is also necessary to ensure that they can influence decision-making equally with men. As Dimitrios Papadimoulis, Vice-President of the European Parliament, pointed out during the hearing for this report on 3 June 2021,[3] equal involvement in political processes is both a fundamental right and crucial to creating an equal society.

8. Ms Caroline Ressot of the French High Council for Gender Equality also underlined powerfully at the hearing that parity is not an end in itself but a tool aimed at ensuring the equal sharing of representation and decision-making power between women and men. It is a requirement of justice and democracy.

9. The Council of Europe is our continent's leading intergovernmental organisation when it comes to promoting and defending human rights, democracy and the rule of law, and the Assembly is the organ of the Council of Europe in which our member States' parliamentarians speak for the 830 million Europeans who elected them.

10. It does not befit the Council of Europe to drag its feet when it comes to promoting and guaranteeing gender equality. It can and must be a leader in this field, and the Assembly must play its part. We should set the gold standard for gender equality in parliamentary bodies in Europe, and be proud to do so.

3. How to get there

11. As was made clear at the hearing, where there is political will and where the impetus is given at the highest political level, progress can be achieved rapidly. It was also made clear that progress cannot be achieved unless there are consequences and sanctions in place when goals are not met.

12. Three of the four speakers at the hearing had direct experience of working (successfully) to promote gender equality within parliamentary and other elected bodies at national or international level, and the fourth explained that no matter what electoral system is in force, ways could always be found to promote gender equality within elected bodies. Their key messages can be summarised as follows:

– targets, incentives, quotas and sanctions are crucial to achieving progress on the ground;

– there must be a clear and strong policy framework for the promotion of equality;

– gender equality needs to be mainstreamed throughout parliamentary structures and has both quantitative and qualitative aspects: it is not enough merely to increase the number of women members – they must be present, active and able to influence decision-making processes at all levels and in all fields of work of the parliament concerned;

– work in this field should be based on inclusive consultation, decision-making and implementation processes;

– strong leadership is vital;

– incremental change may be needed;

– the measures adopted need to be visible, and there must be accountability as regards progress achieved.

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2. See also Doc. 14907 "Towards an ambitious Council of Europe agenda for gender equality", paragraph 43, emphasising that parity should not be conceived in a way that would penalise non-binary citizens.

3. The minutes of the hearing are available on the Assembly's website: https://assembly.coe.int/nw/Page-EN.asp?LID=ProDocs.

13. As regards the advisability of incremental change, I wish to emphasise that this approach has already been adopted by the Assembly, which is not starting from scratch when it comes to gender equality. The Assembly has been reflecting on how to achieve a more gender-equal composition since at least 1996, and introduced its first rules to promote this aim in practice in 2003.[4] Since then, the Assembly strengthened the rules in place (a little). While the current rules are, as mentioned earlier, still rather weak, national delegations are now very familiar with the need to promote gender-balanced representation in the Assembly. The proposed new rules, and the commitment to a 40% target in 2026, are not revolutionary but simply build on a process that has been in place for two decades, and strengthen a policy that was already integrated in the Assembly's work.

14. I welcome the fact that, under the draft resolution as adopted by the Rules Committee, delegations would be required to appoint significantly higher numbers of women as representatives (as opposed to substitutes), and the fact that the draft introduces new possibilities for challenging credentials when gender equality requirements are not met.

15. However, I strongly regret the fact that, as concerns the immediate future, the draft resolution as adopted by the Rules Committee on 8 September would no longer require delegations to respect the gender breakdowns existing within their national parliament, if these are more favourable than the default "one-in-three" principle. This is an unacceptable step back from the existing rules, which have been working very well since they were adopted.

16. I welcome the fact that the draft resolution specifies a higher target for minimum representation of each sex as of 2026. However, I consider that wherever a delegation does not meet the gender equality requirements, this should automatically lead to the non-ratification of the delegation's credentials, and the delegation should be precluded from participating in the Assembly's work. If it does not rectify the situation before the opening of the next part-session, it should be precluded from participating in the Assembly's work for the rest of the session concerned.

17. I also very much welcome the proposal to introduce clear obligations on delegations, political groups, the Bureau and committees, as regards gender equality in the appointment of the Assembly's Vice-Presidents, the committees whose composition is determined by Rule 44.3.a, ad hoc committees, rapporteurs and the Assembly's institutional representatives. This is a crucial step towards mainstreaming gender equality and ensuring that it goes beyond mere numbers and creates increased possibilities to influence decision-making in a broader range of the Assembly's activities.

18. The key weaknesses that remain to be addressed stem, first, from the fact that a significant number of appointments are made directly by political groups. This is of course natural in a body composed of elected representatives of different political persuasions, but it can make it harder to impose strict rules regarding gender balance for these appointments. However, the fact that national delegations will be required to respect more stringent quotas in future means that the overall gender balance within the Assembly will evolve – and this will naturally have a spillover effect on the composition of political groups too. Therefore, I believe that the efforts asked of political groups in the draft resolution can be strengthened.

19. There is also considerable scope for committees to strengthen their efforts to promote gender equality in their work, notably as regards the interlocutors that they invite to participate in hearings and exchanges of views, and in the appointment of representatives to attend external events. The Bureau could and should establish clear guidelines in this respect.

20. Both the Bureau and committees should be required to report regularly on their implementation of these guidelines. This would increase transparency and accountability as regards the promotion of gender equality in the Assembly's work – and promote a more inclusive approach in work on substance.

21. An over-arching question is that of how to draft the Rules of Procedure in the most inclusive possible way. In preparing this opinion, I have engaged in considerable reflection on the notion of "under-representation". The draft resolution as proposed by the Rules Committee is based on the reasoning that the threshold of under-representation is 40%. (In other words, if there are less than 40% women or less than 40% men in the Assembly, then the gender concerned is under-represented, and the Assembly must take action to rectify this.) While I of course fully support this approach, the Assembly is actually very close to reaching this 40% threshold amongst the total number of its members – yet very far from attaining it within its non-plenary decision-making structures. A 40% threshold thus risks becoming inoperative in a short space of time –

4. Resolution 1079 (1996) "Increased representation of women in the Council of Europe's Parliamentary Assembly"; Resolution 1348 (2003) "Gender-balanced representation in the Parliamentary Assembly".

negating all further efforts to promote gender equality in non-plenary decision-making bodies in the Assembly. Moreover, a 40% threshold clearly does not correspond to reality in society, where women and men each constitute roughly 50% of society. Yet it would also be unrealistic to fix the bar of under-representation at 50%.

22. As a result of these reflections, I came to the conclusion that we need to rethink how we formulate these matters in the Rules of Procedure. Rather than thinking in terms of taking action with respect to *one* gender having less than 40% representation, we should think in positive terms: namely that our overall target is that women and men should *each* constitute at least 40% of the Assembly's members. Similarly, on the way to achieving this target, the interim quota of 33% (the "one in three" principle) should be understood as aiming to ensure that the relevant structures are composed of at least one-third women *and* at least one-third men. This way of understanding the issues is much more positive for both women and men. It also leaves space for those persons who do not identify as either women or men.

23. This logic underpins several of the amendments proposed in this opinion. However, the paragraph of the draft resolution that is most affected by the above reasoning – and to which I have proposed two significant amendments – is paragraph 8.1 of the draft resolution. For the sake of clarity, I have included as an Appendix the text of this paragraph, as it will appear in the Assembly's final resolution if both amendments A and B are adopted in plenary.

24. Finally, I wish to underline that as we work to strengthen gender equality in the Assembly's structures, we must also strengthen our efforts to combat violence against women in politics. I refer here notably to the need to pursue with renewed energy our efforts to implement Resolution 2274 (2019) "Promoting parliaments free of sexism and sexual harassment" within our own walls.

25. My proposed amendments focus essentially on the above areas, where I believe further progress can be made as of now. In addition, the work that our committee is about to begin on a new report on Promoting inclusive participation in parliamentary and political life (Doc. 15291) should complement the above steps by examining measures that parliaments – including the Assembly – can take to promote a better work-life balance for parliamentarians and staff.

4. Concluding remarks

26. I welcome the fact that the proposals approved by the reporting committee go beyond the existing, clearly unsatisfactory rules aimed at promoting gender equality within our structures, and I fully support this objective. I also welcome the undertaking to move from the new 33% minimum to a 40% minimum within national delegations as of 2026.

27. Nonetheless, I believe that – as the crucial representative organ of Europe's leading international organisation promoting and defending human rights, democracy and the rule of law – the Assembly must set itself more ambitious goals in this field, as well as a clear – and short – timeframe in which to achieve them. We must start work immediately on the next steps towards achieving parity within our own structures and in all our activities. Target 5.5 of the United Nations Sustainable Development Goals, set up under the 2030 Agenda for Sustainable Development, is to "ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political…and public life". It is up to us to adopt this target as our own, and to ensure that we have the means to achieve genuine parity in all our work by 2030.

28. Finally, the Assembly has already recognised in a series of resolutions[5] that political systems and structures as a whole need to be made more open, inclusive and attractive not just to women generally but to persons of diverse backgrounds such as age, (dis)ability, sexual orientation, gender identity, migration background and ethnic or cultural background, while also taking into account intersectionalities. This too is a fundamental question of fairness, justice and democracy, and it is relevant at all levels of political participation. These concerns apply to the Assembly just as they do to all parliamentary bodies. It is high time that we analyse the extent to which the great diversity amongst citizens in our member States is reflected in our own Assembly, and begin to examine ways of ensuring that its composition adequately reflects that diversity.

5. Resolution 2155 (2017) "The political rights of persons with disabilities: a democratic issue", Resolution 2222 (2018) "Promoting diversity and equality in politics"; Resolution 2386 (2021) "Enhancing participation of women from under-represented groups in political and public decision making".

Appendix - Consolidated text of paragraph 8.1 of the resolution if Amendments A and B are approved

8.1. with regard to the composition of national delegations, in Rule 6.2.a, delete the second sentence and add the following new paragraph [new Rule 6.2.b]:

> *"The composition of each national delegation shall include both women and men. Delegations with two seats (4 members) shall include at least one woman as a representative. The composition of each national delegation with three seats (6 members) or more shall include at least the same percentage of women as in the composition of the national parliament appointing the delegation, unless this national parliament is composed of more than two-thirds of members of one sex. In the latter case, the following rules shall apply:*

– delegations with three seats (6 members) shall have a minimum of 2 women and 2 men, including at least 1 woman and 1 man as representatives [footnote];

– delegations with four seats (8 members) shall have a minimum of 3 women and 3 men, including at least 1 woman and 1 man as representatives;

– delegations with five seats (10 members) shall have a minimum of 3 women and 3 men, including at least 2 women and 2 men as representatives;

– delegations with six seats (12 members) shall have a minimum of 4 women and 4 men, including at at least 2 women and 2 men as representatives;

– delegations with seven seats (14 members) shall have a minimum of 5 women and 5 men, including at least 3 women and 3 men as representatives;

– delegations with ten seats (20 members) shall have a minimum of 7 women and 7 men, including at least 4 women and 4 men as representatives;

– delegations with twelve seats (24 members) shall have a minimum of 8 women and 8 men, including at least 4 women and 4 men as representatives;

– delegations with eighteen seats (36 members) shall have a minimum of 12 women and 12 men, including at least 6 women and 6 men as representatives."

[footnote: "Pursuant to Resolutions 1113 (1997) and 1376 (2004), the delegation of Cyprus can only fill 4 of the 6 seats to which it is entitled; it should be considered as a four-member delegation"]