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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT DECLARATION
ON WOMEN'S PARTICIPATION IN ELECTIONS

on the basis of contributions by

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Item I.2.5 of the Code of the Code of Good Practice in Electoral Matters provides as follows:

« 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 ».

The following may complete this principle :

- “a. Implementation of the parity principle leads to admit:
1. Elections by a list system
 - The obligation to ensure a composition of the candidates’ lists alternating men and women
 - The refusal to register lists which do not respect such an alternating composition
 2. Elections in single-member constituencies
 - The obligation to ensure a balanced percentage of women and men amongst candidates of the same party
 - Dissuasive financial sanctions in case of violation of this obligation
- b. Suffrage should be individual and secret. “Family voting”, i.e. the situation where a man (a male family member) collects ballot papers belonging to one or more family members (principally women) and completes those papers as he sees fit, is a serious violation of electoral rights going against gender equality. This is also the case when a man obtains proxies from members of his family or when these voters vote openly. In the situation where “family voting” in its various forms is a “mass phenomenon” in a given polling station, votes in this polling station must be considered invalid.”