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Or. Fr.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT OPINION ON PARLIAMENTARY ASSEMBLY
RECOMMENDATION 1899(2010)
“INCREASING WOMEN’S REPRESENTATION IN POLITICS
THROUGH THE ELECTORAL SYSTEM”**

Prepared by the Secretariat

**This document has been classified restricted on the date of issue. Unless the Venice Commission decides otherwise, it will be declassified a year after its issue according to the rules laid down in Resolution CM/Res(2001)6 on access to Council of Europe documents.*

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\(2010\)](#), entitled “Increasing women’s representation in politics through the electoral system”.
2. *This opinion was adopted by the Council for Democratic Elections at its ... meeting (Venice, ...) and by the Commission at its ... plenary session (Venice, ...).*
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: for example, the electorate’s freedom of choice among candidates (by preference voting or cross-voting), which brings voters closer to their elected representatives, is in conflict with a system of strict quotas. 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).