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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

QUESTIONNAIRE

ON

**PARTICIPATION
OF MEMBERS OF MINORITIES
IN PUBLIC LIFE**

by

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I. Electoral systems

A. Electoral systems in general

1. What is the electoral system in general, simple plurality, absolute majority/double ballot, proportional representation, mixed system?

B. Constituencies

2. a. Are there concentrated minorities which are in a majority in a part of the territory?
b. If yes, is this part of the territory represented as such in a representative body?
3. a. Are there several levels of constituencies (e.g. local and regional)?
b. What is the average size of the constituencies (i.e., the number of deputies to be elected in each constituency)?
4. a. To what extent is the "one man - one vote" principle implemented? Or are elements of *malapportionment* (i.e. over-representation of certain constituencies and under-representation of others); if so, in favour of what kind of constituencies?
b. Is such a *malapportionment* favourable/unfavourable to minorities or has it been criticised as such?
c. Is there a system allocating seats without taking (completely) into account the population of the constituency (e.g. in federal States)?
d. If yes, is it considered as favourable/unfavourable to minorities?
5. a. Are there rules concerning the drawing of constituency boundaries in a manner favourable or unfavourable to the representation of concentrated minorities?
b. Who has the final power in drawing the constituency boundaries?
c. Is there any judicial review of such decisions?
d. Has the drawing of boundaries been criticised as favourable/unfavourable to the representation of concentrated minorities?

C. Allocation of seats

6. a. If the system is one of proportional representation, what is the "electoral formula" used in transforming votes into seats (i.e. largest remainder, *D'Hondt*, *Sainte-Laguë*, *Imperiali*, *Hare*, etc.)? Please provide an explanation of how this formula works.
b. If there is a plurality or majority system, how are the seats allocated?
7. If the system is one of proportional representation, are there mechanisms for regional or national redistribution of seats (regional or national remainder system)?

8. In multi-member constituencies:

- a. Is preferential voting permitted, or are there other mechanisms (like the Irish single transferable vote) to allow voters to express their preferences for individual candidates rather than voting for the straight party ticket?
- b. If yes, are the seats allocated to individuals on a proportional basis?
- c. Is it possible to cumulate several votes for a candidate by a single vote (cumulative vote)?

9. Is the electoral system for local and regional governments different from that for national legislature? If so, what are the basic differences? Are they more or less favourable to the representation of the minorities?

D. Others

- 10.a.** Are parties representing minorities prohibited as such?
- b. If not, do such parties exist?

11. Are there specific rules guaranteeing minimum representation of minorities in elected bodies (vote in separate electoral colleges by persons belonging to national minorities, obligation to present a certain number of minority candidates in electoral lists, etc.)?

12. Even if there is no such legal obligation, do political parties in general attempt to balance their lists by including a number of minority candidates?

13. Are statistical data available on over-representation or under-representation of minorities?

14. Are there concerns over the under-representation/over-representation of minorities?

15. Is there an ongoing public debate on the electoral system?

- 16.a.** In general, to what extent does the electoral system guarantee representation of minority political tendencies?
- b. Are there concerns about the under-representation of such political tendencies?

II. Access to public office and miscellaneous questions

A. Access to public office

- 1.a. Are there rules barring members of minorities as such from certain public offices?
- b. Are there rules which have been criticised as barring indirectly members of minorities from certain public offices (e.g. by demanding a very good knowledge of the majority language)?

- 2.a. Are there rules guaranteeing a minimum percentage of public service posts to members of minorities (*quota* systems, affirmative action, and the like)?
- b. Are there rules which are considered as favouring indirectly the members of minorities (e.g. by demanding the knowledge of a minority language)?

3. If there are no such rules, what is the general practice regarding the representation of minorities in public offices?

4. Are statistical data available on the representation of minorities in public offices?

5. Are there concerns over the under-representation/over-representation of minorities?

6. Are there rules concerning the representation of minorities within the executive and judicial branches?

B. Miscellaneous questions

7.
 - a. How is the participation of minorities in semi-State bodies regulated (and how does it work in practice), as for example in chambers of commerce and industry, in bodies representing agriculture or labour, and in social insurance bodies?
 - b. How is the participation of minorities in trade unions and employers unions regulated (and how does it work in practice)?

8. Quite apart from the question of any rules provided for in the Constitution or by law, what is the effective participation by minorities in the various levels of public life in the country (for example as local mayors, State officials, magistrates, lawyers, members of university teaching staff, etc.)?