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CONFERENCE ON

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TEN YEARS OF THE CODE OF GOOD PRACTICE
IN ELECTORAL MATTERS”**

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THE REPRESENTATION OF WOMEN IN ELECTED BODIES

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Parity democracy, political parties and electoral systems

1. Democracy or, in other words, the sovereignty of the people, implies the separation of powers, the rule of law and human rights.
2. The term “parity” comes from the Latin “paritas”; in Latin, “par” means “equal” or “similar”.
3. The aim of parity is the fair representation of the electorate, which, as we know, is made up of more than one sex, namely men and women, whose sexual difference is essential for the survival of the human race.
4. The difference between the sexes, which nobody disputes, is used as the pretext for an allocation of human activities which was understandable when these activities were limited to hunting and gathering but has long been totally unwarranted.
5. Yet men and women continue to be assigned specific activities.
6. Activities which attract little or no pay such as domestic and voluntary work are still reserved for women, whereas the more rewarding and better paid ones are mostly still carried out by men.
7. Politics forms part of the latter category of activity in which women are still largely in the minority.
8. This is an indisputable fact and it is important to look into the reasons for it. The first is undoubtedly the unpaid work carried out for the most part by women in the family.
9. Families are not just consumption units but also labour production units. Yet this labour, which cannot be separated from the organisation of labour as a whole, is not regarded as an economic activity or paid or valued in the community. As a result, it is not taken into account when calculating the wealth of nations as reflected in GDP.
10. This overlooked share of the work of humans is considerable, however.
11. Switzerland has assessed the value of domestic work in commercial terms, and in 1998 it was estimated at CHF 215 billion or over half of GDP (CHF 172 billion for house work + CHF 43 billion for the care of dependants), while the time devoted to it (7.25 billion hours in 2000) was calculated to be greater than that spent on paid work (6.7 billion hours).
12. The whole of society benefits from the domestic work performed by women because it represents major savings for the state in the health and education fields, whether they do it themselves or employ other women for the purpose. This work is not taken into account if it is carried out in a private capacity in the family but is if it is done by other women whose identical activities are paid (albeit poorly) and hence considered to form part of a country's economic activities.
13. Where is the consistent economic thinking in all of this?
14. The reader may be wondering why there has been this digression into the world of work when the subject here is politics. The purpose is to show that access to politics is more difficult for women than for men because they do much of the unpaid work in the home which, although crucial for families and society, is not valued by the community, even though it requires just as broad a variety of technical, ethical and organisational skills as any other.

15. This leads to the conclusion that the scale of values attributed to different types of work is disadvantageous for women and that women in fact perform practically all of society's unpaid work and much of its voluntary work.

16. Lastly, electoral systems often favour those already in office, who are mostly men.

17. Although, on the whole, occupations are now mixed, they are still segregated in the sense that some, particularly those which are the most called on and valued by society and the economy, are still very difficult for women to gain access to.

18. Among these is politics, which will tend to remain "the exclusive domain of men" unless the political will to change these regrettable and unfair circumstances results in more equality in the distribution of tasks, particularly political tasks.

19. The number of women in politics is increasing but the "natural" rate of progress is too slow for them to be able to have any satisfactory power to influence matters.

20. By way of an explanation of the unsatisfactory state of parity democracy, I would like to make the following points:

1. Women do about three-quarters of the world's work, including practically all of the essential but unpaid work which is not included in GDP figures;
2. Women who have a job earn 20% less than their male colleagues with equal skills in the same job or in work of the same value;
3. Payment systems for unskilled work are far less advantageous when the work is performed by women than for male cleaning staff.

21. The result is that while men are no more active than women, they are richer. Women possess only 1% of the world's wealth and this is linked to some extent to civil inheritance laws. Women also find it more difficult to attend the necessary training for access to the labour market outside the household and are often confined to their homes from a very early age.

22. Another incontrovertible fact is that women were excluded for too long from active and passive electoral rights, and that they are subject to various structural forms of discrimination such as domestic violence, whose cost for them and society as a whole should be publicised so that it can be used to combat one of the world's most widespread evils.

23. Women are the victims of discrimination compared to men in their day-to-day lives but the fact remains that they have the right to be involved, and states have a duty to involve them, in public and private decision-making processes.

24. In politics and in business, quotas are an effective means of increasing the presence of women. They reflect recognition of the indisputable fact that humankind has more than one gender and democracy must allow both of them to take part in the management of countries.

25. There is no objective reason why politics should be able to disregard the fact that women and men complement one another in everyday life, in the family, at school and at work.

26. As long as women are not involved in public decision-making, democracy will be incomplete. Yet the representation of women in politics is inadequate in practice and in law.

27. To remedy this situation, which is unacceptable in any self-respecting democracy which also respects its citizens, the representation of women must be increased to such an extent that they can have a real influence on legislative processes.

28. This significant presence of women in politics is particularly necessary because the lack of balanced representation of women and men threatens democratic legitimacy and constitutes a violation of the fundamental right to equality. It goes without saying that the activities of political leaders reflect the priorities of elected representatives, which are influenced by their different experiences of life depending on which gender they belong to. Since humankind is divided into two component parts, it is essential that both of these parts take part in decision making on public affairs (*res publica*), as the public interest is a matter for the whole of society, which is made up of both men and women.

29. According to statistics from the IPU, the percentage of women elected in the 35 years since the first world conference on women in 1975 has increased by 7%, in other words, 1% every five years. If this progression were linear, which it is not because there have been drops and sharp rises in representation rates, we would have to wait another 160 years to reach perfect parity. In 2010, the percentage of elected women was 19% and in 2012 it can be estimated to be about 20%. As the proportion is so inadequate, the IPU concluded that quotas would be the perfect way to increase the number of women in decision-making bodies.

30. In the legal system, quotas are a logical consequence of the fact that humankind is divided into two genders and of the principle of equality which is generally included in constitutions.

31. In this connection, it is worth referring to the Venice Commission's Code of Good Practice in Electoral Matters adopted in 2002: "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".

32. To achieve an acceptable minimum proportion for the gender which is currently under-represented within a reasonable timeframe and then, in the future, a critical mass for both sexes, we need to set quotas which initially address the first problem and then, in the longer term, the second.

33. It follows that the quotas to be introduced must relate to both women and men so that a critical mass can be reached, and this was put at 30-35% by the UN Committee on the Elimination of Discrimination against Women (CEDAW) in 1997 and at 40% by the European Parliament in 2001. Like the European Parliament, the Committee of Ministers of the Council of Europe, in recommendations issued in 2003 and 2004, recommended that parity should be understood to require the presence of at least 40% of each sex in elected bodies.

34. It should still be emphasised that this proper proportion of men and women is not an end in itself but a means of changing politics so that its decisions take account of the two halves of humankind as a whole.

35. While it is true that the primary goal of electoral legislation is not gender equality but the proper representation of the population and the parties in contention, it is still essential that the whole of the two halves of humankind, that is to say both men and women, who are different but equal, are equally represented in the country's institutions.

36. Bearing in mind that both halves of humankind contain all the categories in society, whether in terms of socio-professional criteria, age, occupation or state of health, we should remember the indisputable truth that women, who actually form the majority of the world population, are NOT a category but an essential component of humankind.

37. For this reason, introducing quotas for the sexes does not mean that they should subsequently be introduced for young people, immigrants or, in short, for any people belonging to a specific category in society, when it goes without saying that all these categories are part of the two components referred to above.

38. It should be pointed out straight away that, while education for all but especially for women is one of the keys to progress along the road to parity democracy, as is the historical, cultural and religious context of the country concerned, the most important factor of all is the strength and the convictions of political parties, as they are the main players in elections.

39. The importance of all these factors is broadly acknowledged, as is that of the electoral system in the strictest sense, that is to say “the means by which voters express their political preferences and how votes are translated into political mandates or seats”.

40. These systems are generally divided into three types: the majority system, the proportional representation system and the mixed system.

41. For a more detailed analysis, I would refer you to the report I presented to the Parliamentary Assembly of the Council of Europe in January 2010 entitled “Increasing women’s representation in politics through the electoral system”, and the report adopted by the Venice Commission in 2009, entitled “The impact of electoral systems on women’s representation in politics”, itself based on a report by the German expert, Michael Krennerich (CDL-AD(2009)029).

42. Some aspects of electoral systems have a decisive effect on the proper representation of both sexes because the effectiveness of quotas differs not just on account of their nature and their means of application but also on account of the particular electoral system adopted.

43. The Venice Commission’s study relates solely to electoral systems used to elect single or lower house legislatures, as was, moreover, the case with the IPU survey mentioned above and a 2008 study commissioned by the European Parliament on “Electoral Gender Quota Systems and their Implementation in Europe”. This means that this report only covers electoral legislation relating to national elections.

44. According to the Venice Commission’s report, one of the most obvious conclusions is that countries applying proportional representation systems have a higher proportion of women in their parliaments than those with majority systems.

45. Mixed electoral systems (such as mixed member proportional systems) appear to be more conducive to women’s parliamentary representation than majority systems but less so than traditional proportional representation systems.

46. It should also be noted that proportional voting systems are actually more favourable to all “atypical” candidates, in other words, all those other than middle-aged or older men. Choosing an electoral system which is more conducive to the representation of women should therefore also automatically facilitate the candidatures of young and elderly people and immigrants and other less mainstream categories.

47. The size of multi-member constituencies also seems to play a role. Some believe that the larger they are, the more chance women have of being nominated and elected because of the higher number of candidatures.

48. What is true is that the size of a party – in other words, the number of seats it wins or expects to win in a given constituency – sometimes plays an even greater role. It would seem that only those parties which can predict that they will win several seats in a constituency truly try to balance male and female candidatures, thus assisting women candidates.

49. Legal thresholds, which set the minimum percentage of the vote which a party must receive to be assigned seats, would not usually be conducive to the representation of women because

they often prevent small parties which may represent women's interests from being represented in parliament.

50. However, in practice, as a result of legal thresholds, only relatively large parties get into parliament – they even profit from the exclusion of small parties. Since they have more room on their lists, it is easier for them to nominate women and help them to win seats.

51. Nonetheless, the Parliamentary Assembly of the Council of Europe (PACE) criticises legal thresholds of more than 3% for other reasons linked to fairer and more democratic representation.

52. In majority systems in single-member districts, only individual candidatures are possible. In proportional representation systems, voters are presented with different types of list: closed, open or free – and high thresholds effectively exclude new political parties, which are the least representative of the population, and consolidate the larger parties, providing them with greater stability and making it easier for elected politicians to retain their seats.

53. With closed lists, the political parties determine the order in which candidates will be allocated any seats won and the voters endorse the entire list and are unable to change the order.

54. With open lists, on the other hand, voters may express preferences for particular candidates, changing the order in which they are ranked on the list. With free lists, voters may even choose between candidates from different lists – a process known as panachage or cross-voting.

55. The type of list that is most conducive to the representation of women depends on whether gender quotas are applied when deciding on the order on the list and if they are actually implemented – in which case closed lists seem the most conducive – but also on the extent to which women organise themselves and actively campaign for women candidates – in which case open lists do not necessarily run counter to women's interests.

56. The impact of gender quotas differs according to the different electoral systems. The aim of gender quotas is not just to improve the representation of women but also to strike a balance between the representatives of both sexes in politics by establishing a minimum and maximum percentage of representatives of each sex on electoral lists and, in the best-case scenario, in the executive bodies of political parties and, above all, in the bodies responsible for putting forward candidates for election.

57. It should be said that quotas are widely applied to ensure the representation of a region (official quotas), while those intended to secure the representation of certain socio-professional categories or other groups (linguistic, ethnic or religious) are often applied informally.

58. Both official and unofficial quotas are used to ensure proper geographical and socio-professional representation while leaving the voter a free choice and offering a range of possible candidates whose breadth depends on electoral laws. They do NOT ensure the election of representatives chosen on the basis of informal quotas but do ensure the election of a given number of candidates on the basis of geographical quotas, which is in fact the number of elected representatives per constituency. It is reasonable to infer from this that quotas do not in any way restrict voter choice; instead, they make for broader diversity in the choice of candidates.

59. It should be noted that there are different types of quota, namely results-oriented quotas and means-oriented quotas. In results-oriented quota systems whole lists or a fixed number of seats are reserved for women. In addition to Afghanistan, this system is applied in several

African countries – Burundi, Rwanda, Uganda, Tanzania, and to a lesser extent, Sudan and Kenya.

60. This type of quota, which was also applied in the former communist countries of central Europe is currently less popular despite its obvious effectiveness because it is considered to restrict voter choice. If we accept this reasoning, it should also be applied to closed list systems, as they mean that parties decide on the order in which their candidates will be elected. It is worth pointing out that it is in such list systems that quotas can be most effective provided that the competing political parties are able to agree on the principle of closed lists and an appropriate penalty if the rule is broken. Maximum effectiveness can be achieved if non-compliant lists are simply declared inadmissible rather than providing for a system of fines.

61. Means-oriented quotas may be legally imposed or optional.

62. Legal quotas are compulsory for all electoral lists, whereas optional ones are applied only by parties who wish to adopt them.

63. It should be said that the effectiveness of the two types of quota depends on the electoral system to which they are applied, in other words, whether quotas are means-oriented or results-oriented, whether they are clear about the order in which women candidates will be placed on lists and, assuming that the head of the list has a special part to play, whether it is possible, or there is some political desire, for it to have two heads and to consist of a man and a woman.

64. Quotas are all the more effective if proper penalties are applied when they are not complied with, such as declaring a list inadmissible or leaving a place not taken by a member of the under-represented sex vacant. There are also systems in which fines are imposed on parties which present a lower number of women than the baseline quota and financial rewards are granted to those who present a higher number. So far, such financial measures have failed to prove their worth, meaning that inadmissibility of lists and leaving places vacant are the most effective penalties.

65. In order to advance the cause of equal choice in electoral systems, selecting the right quota type and method is a crucial factor but not enough in itself.

66. It is essential and a matter of priority, as the Venice Commission recommends, to add a provision to the constitution on the principle of gender equality (in and before the law but also in practice) and on non-discrimination and to combine it with the possibility of an exemption to allow affirmative action. While in principle affirmative action is intended only to be temporary, this is not the case for gender quotas which work for both sexes. (In Norway, for example, quotas currently work in favour of men).

67. In the Venice Commission's report, it was found that in theory the parliamentary representation of women was particularly fostered by an electoral system that combined a vote on a proportional list in a large constituency and/or a constituency covering the entire national territory with a legal threshold, closed lists and a mandatory quota which provided not only for a high portion of female candidates but also for strict rank-order rules, such as a zipper-system, and effective sanctions for non-compliance.

68. I cannot conclude without saying that in order to achieve parity, it is essential to prevent or discourage multiple-office holding. This also has the advantage of bringing new people into politics, which is beneficial both for parties and for voters. There is also good reason to think that restrictions on multiple-office holding may check the current decline in voter turnout, whose scale is threatening the democratic functioning of our institutions.

69. Transparent, adequate and fair funding for all candidates, political parties and election campaigns is a means of ensuring that the public will accept political funding arrangements.

70. Education on equality for children and adults, particularly political professionals, journalists, the judiciary and teachers, will also help to promote equality in both the public and the private spheres.

71. In conclusion, it should be pointed out that the driving force behind all change is political will.

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