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Impact of electoral systems on women's representation in politics

Committee on Equal Opportunities for Women and Men
Rapporteur: Ms Lydie Err, Luxembourg, Socialist Group

Revised introductory memorandum

I. Introduction

1. Equal participation of women and men in political life is one of the foundations of democracy and one of the goals of the Council of Europe, reaffirmed by the organisation's Committee of Ministers as recently as last May¹. Unfortunately, gender equality in politics has stayed an ideal rather than becoming reality. Even though the whole international community – not just the Council of Europe – has paid great attention to women's representation in, and impact on, political decision-making structures (in particular since the first United Nations World Conference on Women held in Mexico City in 1975), progress has been slow and disappointing. As the Secretary General of the Inter-Parliamentary Union, Anders B. Johnsson, put it in 2008: "In 1975, women held 10.9 percent of all parliamentary seats worldwide. After more than 30 years of pledges, prescriptions and persuasion, women occupy less than 18 percent of all parliamentary seats in 2008."²

2. The situation when it comes to the executive level is not any better. In 2008, only 16% of ministerial portfolios were held by women. Women are also a minority in the highest positions of the state: Of the 150 Heads of State at the start of 2008, only seven (4.7%) were women. Only eight of the world's 192 governments (4.2%) were headed by women³.

3. There are many factors which lead to women's under-representation in politics – which constitutes not just a waste of talent, but also weakens democracy and human rights (gender equality being a human right and one of foundations of democracy). The most important factor leading to women's under-representation in politics, in my view, is the fact that most of us – even in Europe – still live in societies which are characterised by attitudes, customs and behaviours which disempower women in public life, discriminate against them, and hold them hostage to prescribed role-models and stereotypes according to which women are "not suited" to decision-making and politics. It should thus come as no surprise that the findings of a very large survey of parliamentarians, undertaken by the Inter-Parliamentary Union (IPU) in 2008, support the idea that "for men

¹ On 12 May 2009, the Committee of Ministers adopted a declaration entitled "Making gender equality a reality".

² Foreword to the 2008 Inter-Parliamentary Union (IPU) study on "Equality in Politics: A Survey of Women and Men in Parliaments", no. 54 in the reports and documents series, p. iii.

³ All figures from the above-mentioned IPU study, p. 15.

* Declassified by the Committee on 8 September 2009

politics is, on the whole, a largely accessible profession while for women, it is not.”⁴ According to a March 2009 poll, 77% of women and 71% of men in the European Union believe politics is a male-dominated field⁵.

4. However, a country’s institutional landscape and framework can also impact greatly on the representation of women in politics. At first glance seemingly neutral factors – such as electoral systems – can have wide-ranging effects. Electoral systems are, however, not set in stone, which is why I presented a motion for a resolution on the impact of electoral systems on women’s representation in politics to the Assembly in January 2008, together with several of my colleagues. This motion was referred to this Committee for report, and I was appointed Rapporteur.

5. The Committee decided to make use of the expertise of the Council of Europe’s Venice Commission. The Commission presented the Committee with a report on the matter in June 2009, based on a contribution by the German expert Michael Krennerich. This report – published as CDL-AD(2009)029 – is publicly available, and, in my view, an excellent basis on which to prepare my own report. I agree with the Venice Commission’s opinion that the impact of electoral systems on women’s representation in politics is linked with gender quotas, i.e. the same electoral system may lead to totally different outcomes depending on whether or not gender quotas (of any kind) have been instituted and are enforced. I will thus devote a significant portion of this introductory memorandum to the question of the effect of gender quotas in conjunction with the electoral system.

II. Electoral systems and their impact on women’s representation in politics

6. I subscribe to the Venice Commission’s definition of the electoral system, which “regulates the means by which voters express their political preferences and how votes are translated into political mandates/seats”⁶. The Commission’s study focused only on the electoral systems for elections to lower or single houses of parliaments – as did, incidentally, the above-mentioned IPU study and a 2008 study commissioned by the European Parliament on electoral gender quota systems and their implementation in Europe⁷. In these circumstances, I have little choice but to do likewise⁸.

7. According to the Venice Commission’s report, one of the most well-established findings is that countries applying proportional representation systems have a higher proportion of women in their parliaments than those with majority or plurality systems⁹. Combined electoral systems, such as, for example, Mixed Member Proportional Systems, appear to be more conducive to women’s parliamentary representation than plurality or majority systems, but less favourable than traditional proportional representation systems¹⁰. I would add that the latter systems actually are unfavourable to all “atypical” candidatures – in other words, all candidatures by people other than white, middle-class, middle-aged men with a good education. Choosing an electoral system more conducive to women’s representation should thus automatically also serve candidatures from young or old people or others.

⁴ Ibid, p. 17.

⁵ EurActiv/International: Citizens, politicians at odds over gender quotas, 6 March 2009.

⁶ European Commission for Democracy through Law (Venice Commission): Report on the impact of electoral systems on women’s representation in politics, Strasbourg, 16 June 2009, CDL-AD(2009)029, p. 4.

⁷ Women in Politics Research centre, Stockholm University, in cooperation with the International Institute for Democracy and Electoral Assistance: Electoral Gender Quota Systems and Their Implementation in Europe, Brussels, September 2008, PE 408.309.

⁸ The Congress of Local and Regional Authorities of the Council of Europe is due to debate the impact of electoral systems and gender quotas on women’s representation at the local and regional level during its upcoming autumn 2009 session, which I hope will enable me to add further findings not restricted to national parliamentary representation at a later stage.

⁹ Ibid, p. 8. Only the United Kingdom and France have plurality or majority systems amongst Council of Europe member states, though this type of electoral system is very common worldwide.

¹⁰ Ibid, p. 8. Such combined systems are used in Armenia, Georgia, “the former Yugoslav Republic of Macedonia”, Lithuania, Andorra, Monaco, Germany and Hungary in the Council of Europe area. See *ibid*, Appendix C.

8. In most Council of Europe member states, parliamentarians are elected by proportional representation in multi-member (rather than single member) constituencies. Usually, multi-member constituencies are considered to be more conducive to female nomination and representation than single member constituencies¹¹. The reason given is that multi-member districts allow for balancing the party ticket, and thus represent various internal party interests, strengthen the party's coherence, and attract female voters¹².

9. District magnitude in multi-member constituencies also seems to play a role. It is assumed that, the larger the district magnitude, the more women will be nominated and elected¹³. However, "party magnitude" may play an even bigger role, that is, the number of seats a party wins/expects to win in a given district. It appears that only if a party anticipates that it will win several seats in a constituency will it truly practice ticket-balancing (which is favourable to women candidates)¹⁴.

10. Legal thresholds – which define a minimum vote share a party needs to be awarded seats – should not normally favour female representation, as small parties which may represent women's interests are excluded from parliamentary representation. However, in practice, thanks to the legal threshold, only parties with a relatively high party magnitude enter parliament – they even profit from the exclusion of small parties. Since they thus have more room on the ticket to nominate women, it is more likely that women will be among the mandate-holders¹⁵. However, the Parliamentary Assembly has been critical of thresholds of more than 3% for other reasons related to fair democratic representation.

11. While only individual (party) candidates are possible in plurality/majority systems in single member districts, in proportional representation systems, different list forms are applied: closed, open or free. With closed lists the political parties determine the ranking order of candidates on the electoral ballot, and the voter endorses the entire list without any possibility of changing the order in which the seats are allocated to the candidates. In contrast, with open lists, the voter may express a preference for particular candidates, thus changing the ranking order of the list. With free lists, the voter may even choose between candidates from different lists. Which type of list is most advantageous to women's representation depends on whether or not gender quotas regarding the ranking order exist and are effectively implemented – in which case, closed lists would seem more advantageous – and to what degree women organise themselves and actively campaign for voting female candidates – in which case, preference voting may not work against women¹⁶.

III. The impact of gender quotas in conjunction with electoral systems

12. According to the Venice Commission, electoral gender quotas can be considered an appropriate and legitimate measure to increase women's parliamentary representation. I would add that arguments against gender quotas lack even basic legitimacy when, in many of our member states, regional/ language/ nationality and/or socio-professional quotas are accepted and implemented. An impressive number of countries have introduced electoral gender quotas worldwide in recent years, and in many more countries political parties apply, additionally or alternatively, voluntary gender quotas¹⁷. A cautionary note has to be added here, however: not all quotas are the same. The real difference between the different types of quotas are not really whether they are mandatory or not, but rather whether they are means- or result-orientated¹⁸.

13. Ten Council of Europe member states have introduced mandatory, legal quotas for national parliaments so far¹⁹, but they differ considerably with regard to the minimum percentage of each sex among the candidatures, from 15% to 40% required minimum of both sexes. A few countries also provide for ranking

¹¹ Ibid, p. 9-10. In Slovenia and Switzerland, single member constituencies co-exist with proportional representation.

¹² Ibid, p. 10.

¹³ Ibid, p. 11.

¹⁴ Ibid, p. 11.

¹⁵ Ibid, p. 12.

¹⁶ Ibid, p. 12-13.

¹⁷ Ibid, p. 13.

¹⁸ A means-orientated quota does not provide any guarantee that women will actually be elected, while results-orientated quotas do.

¹⁹ In chronological order: Belgium, Bosnia and Herzegovina, France, Armenia, "the former Yugoslav Republic of Macedonia", Serbia, Portugal, Slovenia, Spain and Albania. Ibid, p. 14.

order on the list²⁰, but none of these legal quotas provides for a “zipper system”, where every other candidates on the list must be a woman. Legal sanctions for non-compliance may lead to non-approval of the list – the most effective sanction (applied in Armenia, “the former Yugoslav Republic of Macedonia”, Serbia, Slovenia, and Spain), limiting the number of candidates (applied in Belgium) or reducing public funding (applied in Albania, France and Portugal)²¹. The *de facto* impact of the legal quotas on women’s representation in parliament has varied according to their severity (the minimum percentage fixed) and the sanction applied. Thus, for example, political parties in France were willing to accept the massive loss of public funds for not having met the legal gender quota²².

14. In about 30 Council of Europe member states, one or more political parties have adopted voluntary quotas in order to guarantee the nomination of a certain proportion of women – most of them Green, Socialist or leftist parties. Like with legal quotas, the severity of the quotas varies – usually they range from 20% to 40% minimum requirement for the under-represented sex. However, there are also a number of parties with a 50% quota for women on party lists²³. Parties operating outside of proportional representation electoral systems have innovated gender quotas, such as “all-women shortlists” (the British Labour Party) or by “twinning” constituencies (the Scottish Labour Party).

15. It is noteworthy that in some countries which apply only voluntary party quotas, women’s parliamentary representation is relatively high. As a rule, it can be said that the larger the parties that apply voluntarily gender quotas, the higher the impact. However, voluntary party quotas in small parties can also make an impact on women’s representation, as there is an effect of “contagion” on parties of similar political ideology in competition with that small party, who may feel obliged to emulate that party to be able to effectively compete in elections²⁴.

IV. Further considerations

16. The Venice Commission thus concludes that, in theory, the following electoral system should be most favourable to women’s representation in parliament: a proportional representation list system in a large constituency and/or a nation-wide district, with legal threshold, closed lists and a mandatory quota which provides not only for a high portion of female candidates, but also for strict rank-order rule (e.g. a zipper system), and effective sanctions for non-compliance²⁵.

17. It would, of course, be tempting to take this recipe and apply it to all Council of Europe member states. Sadly, this would probably not work – not because the recipe is wrong, but because the political will is lacking. Women’s representation in politics is, unfortunately, not exactly a priority for many member states – and even less so for some political parties. Thus, not all Council of Europe member states have assorted their gender equality/ anti-discrimination provisions in their constitutions with the necessary exception allowing positive discrimination measures for the under-represented sex. Even voters are unclear about what they want: In a March 2009 poll, 70% of women across the European Union were in favour of 50% women in parliaments, but only 10% of women and 12% of men thought that gender quotas were the answer²⁶.

18. In addition, as the Venice Commission itself pointed out, the aim of improving women’s representation may conflict with other aims, such as ensuring a fair parliamentary representation of small parties and improving the voter-representative relationship. The Venice Commission thus concludes: “In order to increase effectively both the descriptive and substantial representation of women in politics, a much broader and more comprehensive approach is necessary than changing electoral legislation. Nevertheless, appropriate electoral reforms may facilitate such a process.”²⁷

²⁰ Serbia (every 4th position must be filled with the under-represented sex), Spain (every 5th position), Armenia (every 10th position), Bosnia and Herzegovina (there must be one candidate of the under-represented sex among the first two positions on the list, two candidates among the first five, and three among the first eight) and Belgium (the top two positions must not be filled by candidates of the same sex). *Ibid.*, p. 14-15.

²¹ *Ibid.*, p. 15.

²² *Ibid.*, p. 15.

²³ *Ibid.*, p. 16.

²⁴ *Ibid.*, p. 16-17.

²⁵ *Ibid.*, p. 18.

²⁶ EurActiv/International: Citizens, politicians at odds over gender quotas, 6 March 2009.

²⁷ Venice Commission report, p. 19.

19. The IPU survey I mentioned earlier in this report may hold some of the answers regarding the comprehensive approach needed. The IPU works on the principle that there is a fundamental link between democracy and a genuine partnership between women and men in the management of public affairs, and that the historic sidelining of women from the structures of state that determine political and legislative priorities must thus stop²⁸. Women face obstacles at several levels:

- a. First, they must decide to enter politics, and be able to do so.
- b. To run for parliament, they must persuade their political parties (or the decision-makers therein) to field them as a candidate.
- c. They must win the election.

20. In the IPU survey, respondent parliamentarians identified domestic responsibilities as the most important deterrent for women to enter politics (while respondents identified lack of support from the electorate as the single most important deterrent for men). Prevailing cultural attitudes were the second most significant factor to deter women from entering politics (not surprisingly, this was one of the least important deterrent factors for men)²⁹. For these attitudes to change, the general population needs to be convinced that women make as effective legislators as men: awareness-raising campaigns and gender-sensitive civics education thus seem to be required. Unsocial hours in parliament and a lack of child-care facilities for parliamentarians can further deter women candidatures.

21. To run for parliament, both female and male respondents agreed that one of the biggest obstacles was financial: campaign finance reform thus also seems required, for example limiting or capping campaign expenditure, as well as implementing funding mechanisms to support women's candidacies³⁰. Political parties, and the decision-makers within their hierarchies, maintain firm control over the selection of candidates to contest elections, as well as the determination of the ranking order of candidates on the electoral ballot. These "gatekeepers" are typically closed entities and many maintain "old boys' networks" that make it difficult for women to infiltrate the party leadership. Without clear rules (eg party quotas), candidate selection and determination of ranking order on electoral lists is thus often dominated by male leaders, which hampers women's access to legislatures³¹. For this to change, parties need to become more open to women, and need to change their perception of women – this is more likely to happen, according to the IPU survey, when women are organised effectively and make the increased representation of women in the legislature and the party an explicit goal³².

22. Finally, for women to win the election, they must gain the support of the voters – including women voters. According to the Venice Commission's report, women, once nominated, tend to do as well as men in parliamentary elections in established democracies³³. Which means that political parties which refuse to field women are not acting rationally, but rather in accordance with fallacious gender stereotypes.

²⁸ IPU study, p. iii and 1.

²⁹ Ibid, p. 17.

³⁰ Ibid, p. 21. However, this is not a problem in all Council of Europe member states, such as for example my own country, Luxembourg, where campaign financing is not a hurdle for either sex.

³¹ Ibid, p. 24.

³² Ibid, p. 24.

³³ Venice Commission report, p. 7.

IV. First conclusions

23. It follows from the above:

- a. women are still grievously underrepresented in politics in most Council of Europe member states;
- b. the lack of equal representation of women and men in political and public decision-making is a threat to the legitimacy of democracies and a violation of the human right of gender equality which must be rectified as a priority;
- c. the most important factor leading to the current underrepresentation of women in politics is linked to attitudes, customs and behaviours widespread in society which disempower women, discriminate against them, and hold them hostage to prescribed role-models and stereotypes according to which women are “not suited” to decision-making and politics;
- d. these attitudes, customs and behaviours also influence a country’s institutional, party and electoral landscape; but conversely, a change in that landscape can also impact on society’s attitudes;
- e. changing the electoral system to one more favourable to women’s representation in politics, including by introducing gender quotas, can lead to more gender balanced, and thus more legitimate, political and public decision-making;
- f. in theory, the following electoral system should be most favourable to women’s representation in parliament: a proportional representation list system in a large constituency and/or a nation-wide district, with legal threshold, closed lists and a mandatory quota which provides not only for a high portion of female candidates, but also for strict rank-order rule (e.g. a zipper system), and effective sanctions (preferably not financial, but rather the non-acceptance of candidatures/ candidate lists) for non-compliance.

24. The Forum for the Future of Democracy is going to debate this topic, amongst others, in October 2009 in Kyiv (Ukraine), which will be devoted to electoral systems. I would suggest that the Committee declassify this introductory memorandum to make it available to Forum participants.