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**MEMORANDUM ON THE REVISION OF RECOMMENDATION REC(2003)3 ON
BALANCED PARTICIPATION OF WOMEN AND MEN IN POLITICAL AND
PUBLIC DECISION-MAKING**

Prepared by

Tània Verge

Universitat Pompeu Fabra (Barcelona, Spain)

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1. GENERAL COMMENTS

This document addresses the issues raised by the Council of Europe Gender Equality Commission (GEC) during the debate on the review of the questionnaire to be used in the third round of monitoring the implementation of the Recommendation on balanced participation of women and men in political and public decision-making, held at its 5th meeting in April 2014. These issues are clustered into the main points listed below:

(i) Timeframe for the answers to the questionnaire: as to 1st September or after country elections?

Changing the timing of data collection to the electoral time would ensure that the data is more accurate with regard to the actual performance of political parties in the field of women's representation. Particularly, it allows better capturing how the composition and rank order in party lists translates into specific levels of women's representation. As the legislative term goes by, parliament composition might change due to the resignation of some MPs or their moving to other positions. Women's representation in parliament often increases as a result of substitutions rather than due to any specific party action. This is especially the case for countries where substitutions are made with the subsequent non-elected candidates of the electoral lists. Since women are usually placed in lower positions of party electoral lists, more women might gain seats in parliament than men in the event of in-term substitutions. In countries where each candidate has her/his alternate this might not be the case – it can have a neutral impact if the candidate and the alternate are legally mandated to be from the same sex or it can have a strong impact if most alternates are men.

When available, post-electoral data is the one most commonly used by researchers. However, these data is not always available since national parliaments' websites, national women's offices and other international organisations like IPU or the European Commission keep doing updates as legislative terms progress. Updated data are not strictly comparable cross-section since in some countries the legislative term might have just begun while in others is about to end and the composition of parliament might thus have changed, as explained above. It would therefore be a relevant improvement to collect the data in relation to election time.

(ii) Questions on political parties and their positive action measures

As it stands now, the questions on quota rules adopted by political parties are confusing. Since each political party might have different quota rules, the country average is not informative at all. Besides, it is not clear how member states might calculate this average and how many parties have been included in the calculus.

(iii) Monitoring the different parts of the Recommendation

The questionnaire can be complemented with extra questions to monitor more parts of the Recommendation than was done in the past, including fields such as social partners, the military, the police, universities and corporate boards and taking into account how other institutions, such as the European Commission ('Women and men in decision making' database), collect these data. Several new questions are suggested below.

(iv) Need to consider how to integrate qualitative considerations in the questionnaire

As suggested by the GEC discussions, beyond descriptive statistics, several other measures aimed at promoting balanced participation of women and men in political and public decision making could be included in the questionnaire. This encompasses monitoring measures and administrative measures. To gather new qualitative information, the questionnaire could ask about complementary policy measures members states have implemented in the field of parity in decision making.

The remainder of the memorandum is organised as follows. Section 2 revises the phrasing of some of the questions included in the 2008 questionnaire and also suggests new questions. Section 3 drafts new questions in order to expand the fields covered by the 2008 questionnaire.

2. PROPOSED REVISION OF THE 2008 QUESTIONNAIRE

In what follows, various revisions are suggested to existing questions as well as new questions to be considered for inclusion in the new version of the questionnaire. New questions are marked in bold. The revision is clustered into the following groups: quota rules; political parties; lower house, upper house, regional parliaments and governments; local level; executive power; and judicial power.

QUOTA RULES

All questions on quota rules could be clustered together. Most countries with quotas apply the same rules to all elections, so there is no need to fill these questions more than once. The specialised literature distinguishes between constitutional quotas and legislative quotas. Also, increased attention is being paid to issues of intersectionality in political representation, particularly on the representation of ethnic minority groups and migrants.

1. **Does the constitution include quota rules? Yes / No**
2. Do any quotas exist by the operation of law? Yes / No
3. **Are the same rules applied to all type of elections? Yes / No**
 - a. **If yes, just answer the questions once.**
 - b. **If no, provide separate answers for each type of election for questions 4-8:**
 - i. **Lower house, Upper house, Regional parliaments, Local level, European parliament. Copy-paste questions 4-8 as many times as you need to provide answers for each type of election.**
4. If yes, specify the quota percentage/range: **At least**_____ % **women or Either sex: minimum**____ % **- maximum**_____ %
5. If yes, are there any sanctions for non-compliance?
6. If yes, please specify the sanction for non-compliance
 - a. financial penalty for parties or political groupings
 - b. electoral authorities do not accept lists that do not comply with the quota requirements
 - c. other, please specify_____
7. If yes, are there any rules about the rank order of the candidates in the quota law?
8. If yes, please specify
 - a. the zipping system, i.e. alternating women and men on the electoral list
 - b. other, please specify_____
9. **Is there a governmental body that monitors national policy in this field (i.e. the implementation of statutory quotas)?**

10. If so, specify name of body _____ and who it reports to _____
11. Do any quota rules exist for ethnic minorities and/or migrants for electoral lists? Yes – both groups / Yes – ethnic minorities / Yes – migrants / No
12. Specify the quota percentage/range: Ethnic minorities _____%; Migrants _____%
13. In what elections are quotas for ethnic minorities and/or migrants used? Lower House / Upper House (if applicable) / Regional elections (if applicable) / Local elections / European elections

POLITICAL PARTIES

The question is iterative for the lower house and the upper house elections. All questions on political parties could be clustered in a single block placed right after the section on legislative power.

This set of questions should be answered for several political parties. In this case, it is important to establish clear criteria for the selection of the political parties to be included. One of the following alternative criteria should be chosen: (a) All political parties having obtained representation in the lower house in the last election; (b) All political parties that have their own parliamentary group/delegation in the national lower house. I would be inclined to use option b.

Below I provide a list of expanded issues that could be included in the questionnaire.

Party 1.

1. Name _____
2. Does this party use quota rules for electoral lists? Yes/No
3. Specify the quota percentage/range: At least _____% women or Either sex: minimum _____% - maximum _____%
4. Specify if quota rules include rank order of candidates:
 - a. the zipping system, i.e. alternating women and men on the electoral list
 - b. other, please specify _____
 - c. None
5. When did the party start using quota rules?
6. Are these quota rules formalized in party statutes / defined as a target / defined as a recommendation?
7. In what elections does the party apply these quota rules?
Lower House / Upper House (if applicable) / Regional elections (if applicable) / Local elections / European elections
8. Does the party provide specific training to women candidates? Yes/No
9. Percentage of women from this party elected to the lower house (right after elections)
10. Percentage of women from this party elected to the upper house (right after elections)
11. Percentage of women from this party elected at the local level (right after elections)

12. Percentage of women from this party elected to regional parliaments (right after elections)
13. Percentage of women from this party elected to the European Parliament (right after elections)
14. If sanctions applied for non-compliance with statutory quota rules, did this party receive any sanction in the last lower house election?
 - If yes, specify the sanction (number of lists withdrawn by electoral authorities, amount of financial penalty paid...).
15. If sanctions applied for non-compliance with quota rules, did this party receive any sanction in the upper lower house election?
 - If yes, specify the sanction (number of lists withdrawn by electoral authorities, amount of financial penalty paid...).
16. If sanctions applied for non-compliance with quota rules, did this party receive any sanction in the last local elections?
 - If yes, specify the sanction (number of lists withdrawn by electoral authorities, amount of financial penalty paid...).
17. If sanctions applied for non-compliance with quota rules, did this party receive any sanction in the last regional elections?
 - If yes, specify the sanction (number of lists withdrawn by electoral authorities, amount of financial penalty paid...).
18. Does this party use quota rules for party offices (party executive bodies, party conferences...)? Yes/No
19. Specify the quota percentage/range for party offices. % ____ women / Either sex minimum _____% - maximum _____%
20. Percentage of women in this party's national executive body (*reduced body: secretariat...*)
21. Percentage of women in this party's national executive body (*expanded body: executive committee, central committee...*)
22. Percentage of female membership in the party in current year
23. Party leader in current year: Woman / Man
24. Party deputy leader in current year: Woman / Man
25. Party spokesperson at the lower house in current year: Woman / Man
26. Party spokesperson at the upper house in current year: Woman / Man

Idem for Party 2, Party 3...

Issues of intersectionality are increasingly relevant and some parties have adopted quota rules for ethnic minorities or migrants. Potential questions:

Party 1:

1. Does this party use quota rules for ethnic minorities and/or migrants for electoral lists?
Yes – both groups / Yes – ethnic minorities / Yes – migrants / No
2. Specify the quota percentage/range: Ethnic minorities _____%; Migrants _____%
3. When did the party start using these quota rules?
4. Are these ethnic minorities and/or migrants' quota rules formalized in party statutes / defined as a target / defined as a recommendation?

Idem for Party 2, Party 3...

The questionnaire could also ask about other measures included in national political party regulation:

1. Does the national law on political parties mandate parties to promote gender equality? Yes/No
2. If yes, does it reach access to party bodies / electoral lists / membership
3. Does the public funding of political parties include measures to encourage them to promote gender equality? Training for women candidates / funding for party women's sections / funding of specific campaigns on gender equality and women's rights / Other _____

SINGLE/LOWER HOUSE

1. Percentage of women candidates that competed in the last elections _____ OR Number of women _____ and men _____ candidates that competed in the last elections. Specify if this figure refers to the lists of all parties that competed in the elections or to the lists of parties that obtained representation in the lower house.
2. Percentage of ethnic minority _____ and migrant _____ candidates that competed in the last elections OR Number of ethnic minority _____ and migrant candidates _____ that competed in the last elections. Specify if this figure refers to the lists of all parties that competed in the elections or to the lists of parties that obtained representation in the lower house.
3. *PR and mixed systems only*: Number of women _____ and men _____ heading party lists (position number one).
4. *Mixed systems only*: Number of women _____ and men _____ elected in plurality vote districts.

5. *Mixed systems only*: Number of women _____ and men _____ elected in PR lists.
6. Number of presidencies of parliamentary committees: _____ Women _____ Men
7. Is there a specific parliamentary committee on women's rights and/or equal opportunities or gender equality? Yes/No
8. Can national legislators in the lower house simultaneously hold other elected political offices?
 - a. Regional deputies Yes/No;
 - b. Mayors Yes/No;
 - c. Local councillors Yes/No
9. Can lower house legislators vote electronically when they are on (pa)maternity leave Yes/No
10. Has the country adopted any legislative and/or administrative measures to ensure that timetables and working methods in the lower house ensure that elected representatives of both sexes can reconcile their work and family time? Yes/No
11. If yes, specify briefly these legislative and/or administrative measures _____.

UPPER HOUSE

1. Percentage of women candidates that competed in the last elections _____ OR Number of women _____ and men _____ candidates that competed in the last elections. Specify if this figure refers to the lists of all parties that competed in the elections or to the lists of parties that obtained representation in the upper house.
2. Percentage of ethnic minority _____ and migrant _____ candidates that competed in the last elections OR Number of ethnic minority _____ and migrant candidates _____ that competed in the last elections. Specify if this figure refers to the lists of all parties that competed in the elections or to the lists of parties that obtained representation in the upper house.
3. *PR and mixed systems only*: Number of women _____ and men _____ heading party lists (position number one).
4. Number of presidencies of parliamentary committees _____ Women _____ Men
5. Is there a specific parliamentary committee on women's rights and/or equal opportunities or gender equality? Yes/No
6. Can upper house legislators vote electronically when they are on (p)maternity leave? Yes/No
7. Has the country adopted any legislative and/or administrative measures to ensure that timetables and working methods in the upper house ensure that elected representatives of both sexes can reconcile their work and family time? Yes/No
8. If yes, specify briefly these legislative and/or administrative measures _____.

REGIONAL PARLIAMENTS AND GOVERNMENTS

Detailed information for each regional parliament would be very useful, including whether the president of each regional parliament is a woman or a man, as done by the European Commission (EC)¹. Information on the gender composition of each regional executive and its president could be very useful to capture the extent to which gender-balanced representational norms have reached all tiers of government (the EC also collects these data). The question on quotas appears twice: when asking about regional parliaments and when asking about regional governments. Quotas for governments are very unusual. I would suggest deleting it or adding it to national governments.

1. **Number of women and men sitting on each of the regional parliaments**
 - a. **Region 1: Name _____; _____ Women _____ Men**
 - b. **Region 2: Name _____; _____ Women _____ Men**
 - c. **Etc.**
2. **President of the parliament of each region: Woman/Man**
 - a. **Region 1: Name _____; Woman/Man**
 - b. **Region 2: Name _____; Woman/Man**
 - c. **Etc.**
3. **Number of women and men sitting on each of the regional governments**
 - a. **Region 1: Name _____; _____ Women _____ Men**
 - b. **Region 2: Name _____; _____ Women _____ Men**
 - c. **Etc.**
4. **President of the government of each region**
 - a. **Region 1: Name _____; Woman/Man**
 - b. **Region 2: Name _____; Woman/Man**
 - c. **Etc.**
5. **Do any quotas exist by operation of regional law? Yes/No**
6. **If yes, please provide this information for the regions with legislative quota rules different from the national law rules:**

Region 1:

1. **Name _____**
2. **Specify the quota percentage/range**
3. **Are there sanctions for non-compliance?**
4. **If yes, please specify**
5. **Specify rank-order rules**

Idem for Regions 2, 3, etc.

¹ I refer to the EC database *Women and men in decision-making*:
http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/index_en.htm

LOCAL LEVEL

Questions on the electoral system and date and periodicity of elections are missing for the local level. In this case, I would suggest copying the same questions used for the lower and the upper houses.

1. **Date of last elections: dd/mm/yyyy**
2. **Periodicity of elections: Every_____ years**
3. **Specify the electoral system (see footnote 1, page 1, of the 2008 Questionnaire)**
 - **Plurality-majority system: simple majority or first past the post**
 - **Plurality-majority system: absolute majority (two round system)**
 - **Proportional representation system**
 - Open Lists
 - Closed Lists
 - Other, please specify _____
 - **Semi-proportional representation system**
 - Open Lists
 - Closed Lists
 - Other, please specify _____

EXECUTIVE POWER

Women's representation in the executive power could be better analysed if the data collected went beyond ministers (as done by the EC). It would require distinguishing between deputy/junior ministers and Level 1 administrators

Level 1 administrators: Highest level of administrative (non-political) positions within each ministry.

Level 2 administrators: Second level of administrative (non-political) positions within each ministry.

1. **Deputy Head of Government (Vice-president; Deputy Prime Minister): Number of woman ____ number of men _____ *If this question is included, then deputy prime ministers should not be counted among ministers.***
2. **Number of women and men ministers: _____ Women _____ Men**
3. **Number of women and men junior ministers: _____ Women _____ Men**
4. **Number of women and men Level 1 administrators: _____ Women _____ Men**
5. **Number of women and men Level 2 administrators: _____ Women _____ Men**
6. **Does the government include a Ministry of Equality on its own right? Yes/No**
7. **If no, what ministry is responsible for women's rights and equal opportunities between women and men? _____**

It would also be very useful to collect information on other policies implemented to promote women's representation:

1. In the past three/five years, has the national government developed public programmes for women candidates? Yes / No
2. If yes, specify: training / confidence building / media training / information and communication technologies
3. In the past three/five years, has the national government developed public programmes for business women? Yes / No
4. In the past three/five years, has the national government developed public campaigns aimed at encouraging the sharing of responsibilities between women and men in the private sphere? Yes / No

JUDICIAL POWER

Constitutional Court

The 2008 questionnaire asked about judges but some of the members of Constitutional Courts are legal experts. I have drafted extra questions to capture this (the EC only asks about the president).

1. How many members of the Constitutional Court are women and men? _____
Women _____ Men
2. How many members are judges? _____ Women _____ Men
3. How many members are not judges (for example, law professors with extensive seniority)? _____ Women _____ Men

Court of Audit

Organisations responsible for auditing the accounts of governmental bodies and bodies closely linked to the state (the EC only includes the president).

1. Is the President of the Court of Audit a woman or a man? Woman/Man

Public prosecutor

The most senior government official responsible for the prosecution of criminal actions on behalf of the state (also included by the EC).

1. Is the Chief Public Prosecutor a woman or a man? Woman/Man

Ombudsperson

1. Is the Ombudsperson a woman or a man? Woman/Man

Administrative courts

An administrative court is the jurisdiction empowered to adjudicate, in the last instance, disputes arising from the actions of public administrations at national level. In cases where the

Supreme Court takes responsibility for administrative jurisdiction it is covered only in that section (also included by the EC, which only asks about the president).

- 1. Is the President of the Administrative Court a woman or a man? Woman/Man**

3. EXPANDING THE 2008 QUESTIONNAIRE TO OTHER FIELDS

This section is devoted to expanding the 2008 questionnaire to other fields, as suggested by the GEC discussions. It is organised in several sub-sections that tackle different fields, namely national delegations to international organisations, security forces, business and finances, and society.

NATIONAL DELEGATIONS TO INTERNATIONAL ORGANISATIONS

1. Number of women and men in national delegations to international organisations:
2. EU Commission (national members): ____ Women ____ Men
3. EU Parliament (national delegation): ____ Women ____ Men
4. Council of Europe's Parliamentary Assembly (national delegation): ____ Women ____ Men
5. Interparliamentary Union (national delegation): ____ Women ____ Men
6. Congress of Local and Regional Authorities of Europe (national delegation): ____ Women ____ Men

SECURITY FORCES

To draft these questions I have followed the questionnaire used by the Institute for Public Security of Catalonia (ISPC) in 2012 for a comparative study on gender diversity in police services in the European Union, which updated the research *Facts & Figures* 2008 carried out by the European Network of Policewomen (ENP)². I have included eight of the original ten questions and also used some of them to draft the questions for the military.

National police force

1. Number of women and men number of uniformed staff / officers in the national police force: ____ Women ____ Men
2. Number of women and men number of non-uniformed staff / civilian officers in the national police force: ____ Women ____ Men
3. Please give the total number of male and female staff (uniformed and non-uniformed) by rank / grade using a 5 category scale: Top, Superior, Medium or Lower ranks and Officers (first grade in the profession):
 - a. Top ranks: ____ Women ____ Men
 - b. Superior ranks: ____ Women ____ Men

² ISPC (2012) *Women in Police Services in the EU*, online access (retrieved 25 August 2014): <http://goo.gl/suLXD0>

- c. Medium ranks: _____ Women _____ Men
 - d. Lower ranks: _____ Women _____ Men
 - e. Officers: _____ Women _____ Men
4. Please give the date when women were first employed as police officers/uniformed officers: (dd/mm/yyyy).
 5. Does the national police force have a Diversity Policy? Yes/No. If so, please list the strands/areas it covers, i.e. gender, age, black and minority ethnics, etc.
 6. Does the national police force have a gender target (at any level) which is set by law? Yes/No. If so, when was this law passed? (dd/mm/yyyy)
 7. What initiatives are currently in place within the national police force in relation to recruitment, retention and progression of women? Please, specify.
 8. Does the national police force have a flexible working policy or opportunities for all officers/staff to work part time, job share, etc.? Yes/No. If yes, please, specify.

Military

1. Number of women and men currently serving in the military/in active duty. Total military force: _____ Women _____ Men
2. Army: _____ Women _____ Men
3. Navy: _____ Women _____ Men
4. Air Force: _____ Women _____ Men
5. Coast Guard or equivalent corps: _____ Women _____ Men
6. Marine Corps or equivalent corps: _____ Women _____ Men
7. Please give the total number of male and female staff (uniformed and non-uniformed) by rank / grade using a 5 category scale: Top, Superior, Medium or Lower ranks and Officers (first grade in the profession):
 - a. Top ranks: _____ Women _____ Men
 - b. Superior ranks: _____ Women _____ Men
 - c. Medium ranks: _____ Women _____ Men
 - d. Lower ranks: _____ Women _____ Men
 - e. Officers: _____ Women _____ Men
8. Please give the date when women were first employed as military officers: (dd/mm/yyyy).
9. Does the military have a Diversity Policy? Yes/No. If so, please list the strands/areas it covers, i.e. gender, age, black and minority ethnics, etc.
10. Does the military have a gender target (at any level) which is set by law? Yes/No. If so, when was this law passed? (dd/mm/yyyy)

11. What initiatives are currently in place within the military in relation to recruitment, retention and progression of women? Please, specify.
12. Does the military have a flexible working policy or opportunities for all officers/staff to work part time, job share, etc.? Yes/No. If yes, please, specify.

BUSINESS AND FINANCES

Corporate boards

To draft some of these questions (i.e. questions 1 and 2) I have taken inspiration from the EC database, which covers the largest publicly listed companies in each country (i.e. companies whose shares are traded on the stock exchange). Data would need to be collected for both the president and the members of the highest decision-making body in each company:

- President: Chairperson of the highest decision-making body in each company, namely the supervisory board or the board of directors.
- Members: All members of the highest decision-making body in each company (i.e. chairperson, non-executive directors, senior executives and employee representatives, where present).

1. Number of women and men presidents of corporate boards: _____ Women
_____ Men
2. Number of women and men sitting in corporate boards (members): _____ Women
_____ Men
3. Do any quota rules for corporate boards in the largest publicly listed companies exist by the operation of law? Yes / No
4. If yes, specify the quota percentage/range: At least _____% women or Either sex: minimum _____% -maximum _____%
5. If yes, are there any sanctions for non-compliance?
6. If yes, please specify the sanction for non-compliance: Fine / Nullified boards' decisions / Suspension of board members' compensation / Dissolution of the board / Other _____
7. If quota rules exit, are there any incentives provided by the state (i.e. Priority status for government contracts, governmental 'equality award', etc.)?

Central banks

To draft these questions I have also taken inspiration from the EC database which covers both the Head (governor) and members of all key decision-making bodies in central banks.

1. **Is the Governor of the Central Bank a woman or a man? Woman / Man**
2. **Number of women and men in the key decision-making bodies of the Central Bank:**
 _____ Women _____ Men

SOCIETY**Social partners**

1. **Number of women and men secretary-generals/presidents of the main trade unions:**
 _____ Women _____ Men
2. **Number of women and men presidents of the main employers' organisations: _____**
 Women _____ Men

Similar questions could be added with regard to professional organisations but in this case a list should be provided in the questionnaire. Since the list might be rather long, I would suggest not including professional organisations in the questionnaire or alternatively providing a short list.

Universities

1. **Number of women and men Rectors of public universities: _____ Women _____ Men**
2. **Number of women and men Rectors of private universities: _____ Women _____ Men**

Media

Media play a prominent role in the representation of women in public discourses. The EC includes questions on publicly owned broadcasting organisations (TV, radio and news agencies) operating at the national level. The positions covered are: (i) President: Chairperson of the highest decision-making bodies in each organisation; (ii) Members: Data cover all members of the highest decision-making bodies (chairperson, non-executive directors, senior executives and employee representatives, where present).

1. **Number of presidents of public broadcasters (TV, radio and news agencies): _____**
 Women _____ Men
2. **Number of board members of public broadcasters (TV, radio and news agencies): _____**
 _____ Women _____ Men

If the questionnaire is to include private media too, some specifications would be needed. I would suggest restricting this question to newspapers, yet a decision would need to be taken on whether tabloids would also be included (which may be very popular in some countries). Sports newspapers and those produced by corporations, political parties, interest groups or other political and religious groups should definitely not be included.

- 1. Number of women and men directors of nationwide newspapers: _____ Women
_____Men**