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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**COMMENTS**  
**ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 1676 (2004)**  
**ON WOMEN'S PARTICIPATION IN ELECTIONS**

**by**  
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1. Upon becoming a member of the Council of Europe, every state pledges to live up to existing standards in the realm of election rights. That can be achieved by introducing the proper resolutions to the constitution, particularly those guaranteeing universal suffrage on the basis of equality and secret ballots, and subsequently developing those resolutions in ordinary legislation. But the analysis of a constitution alone does not provide grounds for an honest appraisal of women's participation in the election process. Certain behaviour occurs outside the realm of general constitutional principles. That was probably the reason behind the preparation of this Recommendation.

2. Established custom, rooted in the traditions of a given state as well as in the general view of a woman's role in political life, is of cardinal importance and exerts a major influence on the implementation of general voting-rights principles. In spite of numerous achievements in the field of increased electoral rights for women (see Recommendation 1), much still remains to be done.

3. For that reason, the Parliamentary Assembly of the Council of Europe proposes that the Council of Ministers should draw up a Charter of Electoral Equality, in which Council of Europe member-states would subscribe to concerted action to guarantee women's electoral rights and to improve the electoral participation of women.

4. The Charter would essentially concentrate on two issues that constitute a real threat to effective female participation in elections. These are:

1. What is known as 'family voting', when some women are being prevented casting their own vote (see 3 Rec. specifying such situations);
2. Inadequate representation of female candidates on the ballot at every level.

5. Although the two above-cited issues differ, they both have a common basis. In both cases, it is a question of breaking down a certain tradition, a certain general mind-set that continues to exist despite guarantees of universal and equal suffrage.

6. As regards 'family voting', this involves breaking down a cultural traditional existing in certain states, where men play a particular role in both political and public life. That is reflected by electoral law in the practice of a male family member collecting ballot papers belonging to one or more women relatives and marking those papers as he sees fit. Owing to the strength of tradition, that practice is not even regarded as a violation of democratic electoral rights. Even though women are not formally deprived of the right to vote, such a system does not allow a women to vote freely and make a choice in accordance with her own convictions. The Charter of Electoral Equality may help to break down such a behaviour. Such a charter could play an important educational role both vis-à-vis voters as well as election commission members. From that point of view, of crucial importance are the efforts specified in point 6a-c of the Recommendation, namely that certain behaviour violates democratic election rights. It is equally important to train election-commission members to react during the balloting itself. It would seem, however, that caution should be exercised when introducing the sanctions mentioned in p. 6d into the Charter, and they should be limited by certain provisions. There would seem to be no point in imposing a sanction such as invalidating votes in cases when 'family voting' was an isolated phenomenon. Such a sanction could be imposed when 'family voting' in various forms was a mass phenomenon.

7. In such cases, the invalidation of votes seems to be the only way to proceed.
8. The Charter can therefore play an important role in eliminating what from the standpoint of democratic elections is the phenomenon of 'family voting'.
9. I believe the situation is more complicated where the other phenomenon is concerned: increasing the presence of women in various representative bodies. That problem has been an 'eternal' subject in all discussions devoted to guaranteeing gender equality. It does not seem, however, that the phenomenon of increasing female representation in representative organs can be resolved by simply requiring the appropriate number of women on the ballot (p. iib). A change in that area requires broader awareness modification, and that cannot be accomplished through regulations alone. Regulations can play a stimulating role, and in that sense I appreciate their significance and see the possible inclusion in the Charter of the points proposed in the Recommendation. Hence, the reservation contained in p. ii f stating that quotas should be time-limited and proportionate is correct. The conviction of political parties that the proper proportion of women should be included on the ballot alongside male candidates is insufficient. That also requires breaking down voting habits and building the conviction that female candidates should also be voted for.
10. Even in those states, where political parties agreed to include the proper proportion of women on the ballot, experience has shown that that did not ultimately translate into the same proportion in the elected representative bodies. That would indicate that it is not the mere presence of female candidates on the ballot that makes women vote for them, nor is their absence from the ballot the reason women do not get elected. Frequently women do not get elected because of a conviction that there is no need for them to play such a role. In many states, probably even more often in the 'old democracies', there exists a kind of habit of voting for men, and that includes electing them to responsible posts in international organisations. Here again we must return to the issue of education. I regard education as the key to changing the situation. If one were to regard the Charter as one of the elements playing an essential role in the education process, then I would see the point of its being issued. Important in that regard is p. 7 proposed in the Recommendation, which calls on all Council of Europe member-states to undertake awareness-raising measures, including gender education, in order to bring about a lasting change of attitudes and traditions to ensure the full participation of women in elections at all levels and in all respects.