

For debate in the Standing Committee — see Rule 15 of the Rules of Procedure

Doc. 11433

11 October 2007

Gender equality principles in the Parliamentary Assembly

Opinion¹

Committee on Equal Opportunities for Women and Men

Rapporteur: Ms Lydie ERR, Luxembourg, Socialist Group

I. Conclusions of the Committee

First and foremost, the Committee on Equal Opportunities for Women and Men asks that the report of the Committee on Rules of Procedure and Immunities, on which its opinion has been requested, be considered during the first part of the 2008 session (21-25 January 2008), partly to permit a full ranging discussion on a subject of great importance to it, but primarily to allow all the members of the Assembly to express their views. This is why she is proposing amendment K.

In addition, it instructs its Chairperson to ask the Bureau, at its meeting on Friday 5 October 2007, to schedule the report for consideration at the January 2008 session, rather than by the Standing Committee in Bratislava on 23 November 2007.

Turning to the substance of the report, the Committee offers qualified support to the draft resolution and draft recommendation. It wishes to submit amendments that it considers essential for promoting equal access for women and men to important functions in the Council of Europe and the Assembly.

II. Proposed amendments to the draft resolution and draft recommendation

1. Amendments to the draft resolution

Amendment A:

After paragraph 8.2. of the draft resolution, insert the following paragraph: "amend Rule 7.1.b of the Assembly's Rules of Procedure by inserting after the words "and should include" the words "the under-represented sex at least in the same percentage as is present in their parliaments and".

Amendment B:

At the beginning of paragraph 9.1.1. of the draft resolution, insert the following words: "as regards the vice-presidencies of the Assembly,"

Amendment C:

At the beginning of paragraph 9.1.2. of the draft resolution, insert the following words: "as regards the chairmanship of national delegations,"

¹ See Doc. 11432, tabled by the Committee on Rules of Procedure and Immunities.

Amendment D:

In paragraph 9.2. of the draft resolution, delete the words "at least in the same percentage as in the committee".

Amendment E:

Replace paragraph 9.3.1. of the draft resolution, with the following paragraph: "nominate representatives of each sex to top posts in the groups themselves"

Amendment F:

After paragraph 9.3.1. of the draft resolution, insert the following paragraph: "as regards the post of President of the Assembly, to propose a candidate of each sex"

Amendment G:

In paragraph 9.3.4. of the draft resolution, replace the words "ensure that women are represented in the Monitoring Committee " with the words "appoint women as members of the Monitoring Committee"

Amendment H:

Replace paragraph 10.1. of the draft resolution with the following paragraph: "not to consider lists of candidates for the posts of Secretary General and Deputy Secretary General of the Council of Europe and of Secretary General of the Assembly ("the specially appointed officials") which do not include at least one candidate of each sex".

Amendment I:

In paragraph 10.2. of the draft resolution, replace the words "encourage political groups" with "ask political groups"

Amendment J:

Replace paragraph 10.3. of the draft resolution with the following paragraph: "not to consider lists of candidates for the post of Commissioner for Human Rights of the Council of Europe which do not include at least one candidate of each sex".

Amendment K:

In paragraph 11. of the draft resolution, replace the word "January" with "April".

2. Amendment to the draft recommendation

Amendment L:

Replace paragraph 3.1. of the draft recommendation with the following paragraph: "to present a list of candidates for the posts of Secretary General and Deputy Secretary General of the Council of Europe, Secretary General of the Assembly and for the post of Commissioner for Human Rights of the Council of Europe which includes persons of both sexes".

III. Explanatory memorandum by Mrs Err, rapporteur

A. Request for the report to be considered at the January 2008 part-session

1. First and foremost, the rapporteur notes that the Committee on Rules of Procedure and Immunities adopted its draft resolution and draft recommendation on "gender equality principles in the Parliamentary Assembly" in Paris on 14 September 2007, following a report by Mrs Mendonça. Although she attended these discussions and previous meetings of the Committee on Rules of Procedure, the rapporteur regrets that the latter left her very little time to discuss its final report with her colleagues of the Equality Committee, even though this a subject that falls directly within the Committee's specific terms of reference. Leaving aside the fact that the proposed amendments could affect the way the Assembly functions, she would like the report to be discussed by all its members at the January 2008 session, and not by the Standing Committee

at its meeting in Bratislava on 23 November 2007, as the Committee on Rules of Procedure has requested. The rapporteur considers that this report can be considered quite separately from the other two reports of the Committee on Rules of Procedure on the Standing Committee's proposed agenda for Bratislava. Only Mr Jurgens' report on "the application and amendment of various provisions of the Rules of Procedure" requires early adoption, and this does not appear to pose any problems since it is in fact intended for the Standing Committee. Besides, in the case of the current report there is nothing to prevent the changes to the Rules of Procedure coming into force on the first day of the April 2008 session (see amendment K).

2. The rapporteur hopes, therefore, that the report will be considered at the January 2008 session and asks the Committee to instruct its Chairperson to explain its position to the Bureau on Friday 5 October 2007, so that the report of the Committee on Rules of Procedure and its own opinion can be examined in January 2008.

B. The proposed amendments

3. Whether or not the Committee accepts the rapporteur's proposal and asks for the report to be considered in January 2008, she still wishes to offer a brief explanation of the reasons for her proposed amendments.

4. First, she would stress that all the problems associated with equal representation of the sexes stem from the fact that they are unequally represented at national level and from the composition of the national delegations, which is largely dependant on the electoral system. She would like the Committee to consider this matter in more depth at a later date, in a separate report. She therefore wants the national delegations to include a percentage of members of the under-represented sex at least equal to their representation in their parliaments (Amendment A). Currently, there is nothing to prevent steps being taken to promote equal representation of the sexes within the Assembly itself, and in the bodies that it elects.

5. Second, the rapporteur considers that the terminology used may be detrimental to equality of the sexes, particularly when the term "women" is used, since this may be interpreted as stigmatising the situation of women in general. It is therefore preferable to use neutral terms such as "representatives of both sexes", or "a man and a woman", as the case may be.

6. Third, the rapporteur is convinced that however desirable changes to the Rules of Procedure may be, they will not be effective if there are no penalties for non-compliance. In their absence, the Assembly's arguments that women must have real access to senior positions in national and European political and public life will be in vain. This applies particularly to the Parliamentary Assembly, which should lead the way and set an example of parity, in accordance with democratic values. The rapporteur refers specifically to the Declaration on Women's Participation in Elections, adopted by the Venice Commission on 9-10 June 2006², which recognises the principle of sanctions. The Venice Commission states that under the parity principle, parties' failure to comply with the requirement to present a reasonable balance of male and female candidates might lead to refusal to register lists, in the case of list systems, or dissuasive sanctions, in the case of elections in single-member constituencies. By analogy, the rapporteur is convinced of the value of sanctions and would therefore support the principle of penalties for non-compliance with the parity rules. However, she is aware of the current reservations of the Assembly and wishes to frame amendments designed to maximise potential support while remaining consistent with progress towards equality.

7. More specifically, the rapporteur thinks that it would be clearer if each political group were required to propose two candidates, a woman and a man, for the Presidency of the Assembly (amendment F) and women for the Monitoring Committee (amendment G). The rapporteur wants more women as chairpersons and vice-chairpersons of the Assembly's general committees (amendment D). She also urges political groups to exercise a certain self-discipline by ensuring a balanced representation in their top posts (amendment E).

8. The Assembly should also take a more positive approach to elections to senior Council of Europe posts in which it and the Committee of Ministers are involved (amendments H, I and L for the post of Secretary General and Deputy Secretary General of the Council of Europe and for the post of Secretary General of the Parliamentary Assembly and J and L for the Commissioner for Human Rights).

² CDL-AD(2006)020 ([http://www.venice.coe.int/docs/2006/CDL-AD\(2006\)020-e.pdf](http://www.venice.coe.int/docs/2006/CDL-AD(2006)020-e.pdf))

9. Finally, to make the resolution easier to read, the rapporteur proposes stylistic amendments to highlight the election of the President and Vice-Presidents of the Assembly and the chairs of national delegations (amendments B, C and F).

Reporting committee: Committee on Rules of Procedure and Immunities

Committee seized for opinion: Committee on Equal Opportunities for Women and Men

Reference to Committee: Doc 10624, Reference no 3123 of 1 September 2005; Resolution 1489 (2006), Reference no 3261 of 30 June 2006.

Opinion adopted by the Committee on 4 October 2007

Secretariat of the Committee: Ms Affholder, Ms Devaux, Mr Diallo, Ms Araujo.