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**Committee on Rules of Procedure, Immunities and Institutional Affairs
Committee on Equality and Non-Discrimination**

Minutes of the joint hearing held by videoconference on 3 June 2021¹

Gender representation in the Parliamentary Assembly

Ms Ingjerd Schou (Norway, EPP/CD), Chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs, opened the joint hearing at 2 pm, and introduced the invited guests. Gender equality was one of the pillars of the mission of the Council of Europe, which in recent years had adopted a wide range of measures. The Assembly must now make it a real priority, in order to increase equal gender representation in all Assembly bodies, and secure greater involvement of women in decision-making bodies. This proactive goal called for the development of coherent rules and guidelines if we wanted to make the principle of gender equality clearer and more realistic in terms of implementation. The Assembly should consider a report, planned to be discussed at its September part-session, which intended to bring the Assembly's Rules of Procedure into line with current values and demands for more equal gender representation, while ensuring that this was achievable. The rapporteur would have to submit concrete proposals to the committee and the Assembly in this regard. The hearing was therefore organised with the objective of identifying those regulatory measures and good practices which might contribute to increasing gender representation and effective participation of women. It would have been useful to consider whether further improvement could be implemented by simply encouraging practice, without the need for sanctions.

Ms Petra Bayr (Austria, SOC), Chairperson of the Committee on Equality and Non-Discrimination and rapporteur for opinion on this report, said that the Assembly was a window on the Council of Europe and should be exemplary in applying the latter's *acquis* on gender equality and equal opportunities. There had been progress in member States, but it had levelled off. These challenges had to be addressed in national parliaments, which should mirror their constituents. Gender equality was not just a goal in itself but stood as tangible proof of the proper functioning of democracy. Member States, Observers and Partners for Democracy should give these issues more prominence and achieve a more gender-balanced representation in their delegations. The statistics published annually in the Bureau's Progress Report on gender equality in the Assembly did not receive due attention – the data should be used to carry out regular stocktaking exercises.

Many good examples could serve as inspiration for the changes necessary to remove ambiguity from the Assembly's Rules of Procedure. Some of these good practices and national mechanisms had been mentioned during a joint hearing of the Equality Committee and the Political Affairs Committee in 2017. Italy, for example, had doubled the number of women in its delegation to the European Parliament from one election to the next, and it now stood at 39.7%. National parliaments with high proportions of women, such as Sweden and Finland, could also serve as models. Of course, the Assembly was not directly elected, so lessons should also be drawn from other international assemblies. Although this was not the subject of the current hearing or report, the Assembly should in future look at increasing its diversity also on grounds other than gender.

Ms Schou noted that Norway could be added to the list of exemplary countries, since women held the posts of Prime Minister, Minister of Justice, Minister of Foreign Affairs, Speaker of Parliament and President of the Supreme Court, even if this had taken time.

¹ Declassified by decision of the Committee on Rules of Procedure, Immunities and Institutional Affairs at its meeting on 22 June 2021.

Ms Nicole Trisse (France, ALDE), rapporteur on the representation of women and men in the Parliamentary Assembly, said that it would be her task to make proposals to increase the number of women in parliamentary delegations, but also in the Assembly's strategic bodies, including certain key committees, such as the Monitoring Committee, the Committee on Rules of Procedure, the Committee on the Election of Judges to the Court, or the Legal Affairs Committee and the Political Affairs Committee, where women were clearly under-represented. The Rules of Procedure must allow progress to be made towards parity, even if this objective seemed utopian to some, and at the very least encourage the presence of women in all bodies and at all levels in a constructive manner, as well as gender complementarity, in the image of society. The political groups had a crucial role to play in achieving this objective. Women were their own brakes and we must work to support women in their path.

Mr Dimitrios Papadimoulis, Vice-President of the European Parliament, Chair of the High-Level Group on Gender Equality and Diversity, outlined the efforts of the European Parliament over the past seven years to reflect better the diversity of European populations, including women. Involvement in political processes was both a fundamental right and crucial to creating an equal society. Currently, 39% of members of the European Parliament (MEPs) were women – higher than the average of 34% within the parliaments of EU member States and much higher than the global average of 25%.

The EP had been working to promote gender equality both politically and administratively (in its capacity as an employer) for longer than any other criterion of diversity. The High-Level Group that he chaired worked together with the EP administration in this area, based on strategic documents and roadmaps with clear goals and deadlines. Targets were set for both the political and the administrative branches of the parliament and aimed to achieve both vertical and horizontal gender equality across recruitment, career advancement, work-life balance, prevention of harassment, gender-sensitive premises etc. Setting concrete milestones brought impetus. Current targets included, inter alia, improving gender impact assessments, gender-based budgeting, and ensuring that the composition of committees and panels for hearings was balanced.

An intersectional approach was applied in order to break out of the male/female dichotomy and better address diversity at all levels. The roadmap was monitored through periodic reporting based on agreed indicators on both political and administrative levels. An update was published every six months. Representation had become increasingly gender equal with time; today, on the political level, 57% of the EP's vice-presidents (8 out of 14), 40% of quaestors, 30% of leaders of political groups (chairs and co-chairs), nearly 41% of committee chairs and 30% of national delegation chairs were women. The gender balance of governing bodies had thus been steadily growing. However, progress on horizontal equality was slower, as some committees and national delegations were either male- or female-dominated. He was keen to improve this during the current term, in line with the roadmap. At the administrative level, gender balance had been steadily improving over the years and ambitious targets had been set at the beginning of the current legislature, aiming for 50% of heads of unit and directors and 40% of directors general to be female.

The glass ceiling still needed to be broken, however, as only 39% of heads of unit and 23% of directors general were women. Some sectors were also either male- (security) or female-dominated (interpretation and translation). The High-Level Group had established close co-operation with the European Institute for Gender Equality (EIGE) in order to learn about best practices from elsewhere. The pandemic had served as a strong reminder of the need to adopt gender mainstreaming strategies and practices, and these should be included in all recovery plans. The EP would continue to promote gender equal representation across all levels and sectors and incorporate a gender perspective, empowering and giving visibility to women. He was proud to see many member States and the EP leading the way in having gender-balanced parliaments and he looked forward to this positive trend continuing. Much still remained to be done to achieve full equality, however, and setbacks in some member States showed that progress could all too easily be reversed. This deficit needed to be overcome in order to respect democracy and human rights.

The Secretary General of the Parliamentary Assembly greeted Mr Papadimoulis in his capacity as a former member of the Assembly.

Ms Caroline Ressot, Project Manager, High Council for Gender Equality (France), recalled that parity was one of the major themes on which the High Council for Gender Equality had been carrying out evaluation work since its creation, and before that the Observatory of Parity. Nearly 20 years after the first so-called parity laws and more than 70 years after women had been granted the right to vote and stand for election in France, it was still important to consider the principle of parity, its scope, its challenges and its implications.

The principle of parity was defined as follows: "Applied in the different spheres of civic life (political, professional and social), parity is a tool as much as an end aiming at the equal sharing of representation and decision-making power between women and men. It is a requirement of justice and democracy". The parity principle

applied to gender equality was about the equal sharing of representation and decision-making power between women and men. The so-called parity laws had been passed to promote equal access of women and men to electoral mandates and elective functions, initially, and then from the constitutional reform of 2008, the scope had been extended to economic and social responsibilities.

The principle of parity had several "practical translations" depending on the areas it was aimed at: election or appointment. In the context of *elections*, the principle of parity applied to the composition of "political" assemblies - regional councils, for example - or "social" assemblies - national or local councils of professional bodies. There were two main modalities corresponding to the two existing voting systems: list voting and uninominal voting. When parity concerned assemblies elected by *list system*, the rule that prevailed was that of the list composed alternately of women and men (or of men and women). This provision was found in many list elections, such as the European elections or regional elections. This provision also worked for some professional orders. There was also the possibility of having two separate lists: one of women, the other of men on the condition that as many women as men were elected (and therefore voted for). This was the case for one of the colleges of the Conseil national des Barreaux (the national governing body of lawyers). There were also variations (for example, for the chambers of agriculture: each list was composed of at least one candidate of each sex per group of three candidates), but the rule was that there must be as many male as female candidates on a list. The implementation of parity arrangements in a *single-member constituency election* was based on the parity pair: for the same constituency, a tandem of a male and female candidate campaigned together but once elected, they were "free" to make more individual commitments.

In the context of *nominations*, the general principle of parity was expressed in two ways: "as many women as men" or "50%". In practice, several parity arrangements coexisted depending on the context, some of which included exceptions to adapt to the size of the areas concerned, depending on whether the number of members was even or odd or very large (several hundred people involved). In this case, the parity principle was reflected in a "minimum threshold of 40%", i.e. a percentage of between 40 and 60% of one or other sex, or else "a difference between women and men which may not be greater than one". And in the case of bodies with three members (e.g. university juries), the rule became "at least one person of each sex".

All these various arrangements tried to adapt to the field in question. Because the parity approach constituted a revolution, particularly in the more recent field of appointments (as far as elections were concerned, parity arrangements had already existed since 2000 for political elections), it seemed more prudent, in the context of the Copé-Zimmermann law of 2011, which imposed quotas for women on boards of directors and supervisory boards, to introduce a certain degree of progressiveness and to propose stages, first with a minimum percentage of 20% and then 40%. The same gradual approach was applied for first-time appointments in the civil service, with 20% for the first two years, then 30% for the next two, before reaching 40% after 5 years.

However, since parity had gained acceptance in many areas, the 40% threshold had been set directly as a principle as soon as the legislative text was adopted. This was the case with the law of 4 August 2014, known as the 'Vallaud-Belkacem' law, or the law of 6 August 2019 on the transformation of the civil service, which aimed to achieve 40% for the senior management positions in public institutions. But as soon as it was a question of investing in new areas and taking into account the need for a change in mentalities, this principle of progressiveness remained essential. This was the dynamic pursued by a bill proposed by Mrs Rixain, chairperson of the National Assembly's delegation for women's rights, which aimed to increase the proportion of women on the executive committees and management boards of private companies. This progressiveness also applied to the other fields covered: in the 2011 law, as in the recent bill mentioned, the idea was to adopt measures first for large listed companies, and then to provide for the gradual extension to smaller companies. This was already the case in the political sphere, where various laws extended the scope to smaller and smaller municipalities.

There were, of course, a variety of arrangements that were derogatory regimes or exceptions in order to take into account the reality of the existing pools in certain specific branches, particularly within higher education and research establishments or within professional orders with a "mirror representation" mechanism, i.e. a proportion of women or men corresponding to the proportion of women and men in the discipline concerned.

All the evaluations carried out by the High Council for Gender Equality made it clear that there could be no parity without a quota. If there were no parity mechanisms, no legal obligations, and in this case in the form of quotas, there was no progress in women's access to political, economic or social responsibilities.

In the political sphere, in practice, where the mechanisms existed, in particular for assemblies elected by list voting, parity was well established. For example, regional assemblies were made up of 52.1% men and 47.9% women. However, it was noted that there was no knock-on effect in the composition of the bodies of these

assemblies. In 2007 a new parity rule had been introduced, imposing rules for the composition of the boards. This dynamic of progressiveness continued with the law of 27 December 2019, which required municipalities with 1,000 inhabitants or more to have as many deputies as deputy mayors. Even though the positions of first and second deputy mayors were more often held by men (33.3% of first deputies were women, 42.2% of second deputies and 44.6% of other deputies), there had been undeniable progress in the percentage of women in local councils and executives. On the other hand, as soon as there were no more obligations, such as for the functions of president or mayor, the share of men remained very high: power sharing was still far from being a reality. 90.1% of the presidents of departmental councils were men; 8 out of 10 communes were headed by men; 8 out of 10 public institutions of intermunicipal co-operation were chaired by men. Moreover, even when there is a legal mechanism, if women have more access to offices, they often have portfolios considered less "prestigious", they are more likely to be entrusted with social affairs than financial affairs.

The progress noted in the political sphere could also be seen in the field of appointments, where legal provisions had enabled an increase in the number of women in the civil service or on the boards of directors of large listed groups. The proportion of women first appointed to senior civil service positions had gradually increased for all civil services, rising from 31% before the adoption of the law in 2012 to 37% in 2018. The evolution was real but slow and the targets set were not being met, but the progress was having an effect. In the private sector, the objective of parity on the boards of directors and supervisory boards of large listed companies had been achieved: with 44.6% of women on the boards of directors and supervisory boards of large listed companies in the CAC40 and 43.6% for the SBF120, real progress had been made in terms of governance.

Clearly, where obligations existed and quotas were adopted, the results were there. Beyond the figures, the implementation of parity had had an impact on the work of the structures concerned and had led to the introduction of themes such as the fight against violence against women, but also of new organisational practices. The implementation and effectiveness of parity, and its dissemination to new areas, was a long process, which had involved numerous laws. Progress had been made, but many efforts remained to be made, because women were still too few in the highest positions, which explained why the legislative work continued. In order to establish a culture of parity, it was essential to provide support, training and real monitoring of implementation in order to identify existing obstacles. It was important that this culture be embodied by a person in charge of these issues within each structure, for example at an annual meeting during which an assessment would be made and discussed with all the members of the structure concerned, and that this person be able to rely on the expertise of internal people, such as equality advisors.

Ms Mariana Duarte Mutzenberg, Programme Officer, Gender Partnership Programme, Inter-Parliamentary Union, presented the key elements that had enabled the IPU to achieve progress: establishing a clear and strong policy framework for the promotion of equality; building and sustaining a clear political will, including from the leadership of the Organisation; establishing dedicated mechanisms to advance these objectives; having measures based on inclusive processes of consultation, decision-making and implementation; setting targets and institutionalising measures with statutory provisions that included quotas and sanctions, with incentives, and provisions to ensure effective, sustainable and incremental implementation of these measures; setting procedures to measure the impact of these measures and their results; giving visibility of the measures and progress made that contributed to everyone's sense of accountability; and a secretariat that led and supported these measures at the highest level.

In terms of political framework, the IPU was a long-standing organisation, more than 130 years old, and progress in the area of gender equality had been gradual. It was the 1997 Universal Declaration on Democracy that was the crucial tool mandating the IPU to act at the national level, in national parliaments, and within the Organisation, highlighting the direct link between democracy and the balanced participation of men and women in politics, and in particular in parliament. With the 2012 strategy, equality was placed at the centre of the IPU's mission and this would continue to be the case in the ongoing revision of the strategy. The 2013 gender mainstreaming strategy applied both internally - in the secretariat - and externally, i.e. to member parliaments, which must ensure that gender equality was respected in their representation in the IPU. The 2013 IPU Gender mainstreaming strategy aimed to institutionalize gender equality in the organisation, promote equality in representation and participation, and build capacity, and develop mechanisms for gender mainstreaming. In a Resolution adopted unanimously in 2016, member parliaments had committed themselves to achieving parity in a progressive manner.

Gender equality was integrated into the daily work of the Organisation. The IPU had been the reference source for the collection and dissemination of data on women in politics since the 1970s. The IPU conducted surveys and qualitative analyses, providing strategic indicators, and produced numerous publications aimed at raising awareness in parliaments. This was an important element of the IPU's work that had an impact at the national level. Policy guidelines were developed on the basis of IPU research, including the plan of action for gender-

sensitive parliaments: we needed to go beyond a purely statistical approach and create a better environment in parliaments. The IPU also contributed to capacity-building in parliaments, particularly in the promotion of gender equality and gender sensitivity and support for women's groups, to enable women to have more impact even when they were in the minority. The IPU provided technical support to parliaments, leveraging political will - for example the organisation of a seminar in Benin to promote constitutional changes to allow for gender quotas.

The political work of the IPU in its institutional architecture was important in that it reinforced the work at the national level: the Forum of Women Parliamentarians and the Gender Partnership Group were two key institutions. It took a strong initial women's movement to create momentum, reinforce the gender equality message and achieve results. This women's movement had begun in 1978 and the Forum of Women Parliamentarians had been created in 1985, which had helped to amplify women's voices within the Organisation. The Bureau of Women Parliamentarians, which organised the work of the Forum, was composed of women elected on the basis of geographical representation. It acted decisively to advance the agenda for equality, women's representation and participation, and relevant reforms. It worked to ensure that IPU resolutions took gender equality issues into account and to make its voice heard in the decision-making bodies and debates of the Assembly. The Gender Partnership Group, which had started in 1997, was more specifically responsible for monitoring agreed targets, checking how measures and quotas were applied and presenting new initiatives, with a role of dialogue with delegations from parliaments that had no or few women members. It was involved in a large number of extensive consultation processes leading to institutional reforms within the IPU.

With regard to the representativeness of delegations, a unique system had been introduced. The Governing Council was composed of three members from each parliament represented at the IPU; each delegation must include at least a man and a woman (gender neutral); if all three members were of the same sex, the delegation's representation would be limited to one member and could only cast one vote instead of three (initially in 2003, a three-member single-sex delegation to the Council was reduced by one vote, not two). With regard to the Assembly, delegations from member parliaments must include men and women and be gender-balanced; any delegation that attended IPU Assemblies without representatives of both sexes twice in a row had its voting rights reduced by two and the officially registered number of delegates reduced by one. Similar measures existed for the other IPU bodies - committees and working groups - with specific rules for each, which were more or less binding. For example, the most recent body, the Bureau of the Young Parliamentarians' Forum, was fully parity-based. In the interests of visibility, information on the composition of delegations was made public, naming single-sex delegations, but also praising as an incentive those that had a gender-balanced composition with a ratio of at least 40/60. Dialoguing with delegations from parliaments that had no or few women members was a mix of naming and incentive. The IPU tracked the percentage of women delegates to the Assemblies. Since the introduction of specific measures, the numbers had tended to be at around 30%, reaching at times nearly 33%. The 1st virtual Assembly (May 2021) had seen a record 38% women delegates.

There had been a deliberately incremental approach, with an early conviction that quotas were essential for progress. In 1988, the statutory provisions were amended regarding the composition of the Executive Committee, which had previously had no women members, to ensure that at least two women were elected. In 2003, a quota to guarantee a minimum of 20% women in the Executive Committee was introduced. In 2017, the Statutes were amended to introduce a 33% quota for each gender in the Executive Committee. In May 2021, 1/3 of delegations were gender-balanced (40/60). Dialogue with delegations was essential, as mentioned.

At Secretariat level, recruitment was the most impactful; currently 65% of the staff were women, and there was also a balance in the senior management teams. The Secretary General was an international Gender Champion and was very committed both internally and externally. The same proactive approach was reflected in the good practices for ensuring gender balance in the different panels and in the functioning of the teams. The IPU had developed a Gender-responsive assemblies toolkit. She concluded on the importance of promoting an incremental and forward-looking approach, of leading by example, which had an impact both at national and international level, and finally - even if the IPU did not believe that a return to the past was possible because of the change in culture - of remaining vigilant and never taking everything for granted.

Mr Pierre Garrone, Head, Division II, European Commission for Democracy through Law (Venice Commission), Council of Europe, noted that recognising women's equal right to vote had not been followed in practice by equal representation of women within parliamentary bodies. Some States had revised their constitutions in recent decades in order to promote parity. As far as the Council of Europe States were concerned, a major turning point had been the adoption by the Committee of Ministers in 2003 of a recommendation explicitly aimed at the balanced participation of men and women in political and public decision-making (Rec 2003(3)). The Venice Commission

had taken a cautious approach to gender parity in its 2002 Code of Good Practice in Electoral Matters, emphasising that it must have a constitutional basis. Since then, parity had increasingly been treated in the Commission's opinions as a legitimate objective of electoral law. The conclusions of its 2009 report on the impact of electoral systems on women's representation in politics – which had been drawn up at the request of the Assembly – remained valid.

Different electoral systems could be more or less conducive to achieving gender parity and therefore it was important to choose a system that was compatible with this aim. Majority systems, at least single-member systems, were generally seen as unfavourable to women. Parties had a responsibility to ensure that they fielded a sufficient number of women candidates; for example, in the absence of legislation, they could provide for voluntary quotas. Where the legislator required a certain number of candidates of each gender, parties also had a responsibility to select women candidates and place them on the list in an eligible position. So-called "zipper" systems (alternating female and male candidates in plurinominal seats) often worked well; however, this implied that more than one candidate per party was elected (i.e. that the parties elected to parliament were not too small and that the constituencies were large enough). In majority systems, having tandems of candidates (one female and one male) was effective. In single-seat constituencies, having equal numbers of female and male candidates produced parity if equal numbers of men and women (i.e. one man in a constituency and a woman in another) were placed in winnable seats.

As noted in the 2009 report, theoretically, the most favourable model appeared to be having proportional representation list systems in large constituencies and/or a nation-wide district, with a legal threshold, closed lists and a mandatory quota that provided not only for a high proportion of female candidates but also for strict rank-order rules (such as a zipper system), and effective sanctions for non-compliance, such as rejection of the list. While parliamentary parity may have seemed revolutionary only a few decades ago, it was fast becoming the international norm. The choice of rules had a direct impact on gender representation within elected bodies and if the existing rules were not producing the desired results, creative solutions could always be found.

Quoting Simone de Beauvoir, **Ms Trisse** said that nothing could be taken for granted when it came to women's rights and that vigilance was needed to ensure that at no time, in any country, these rights could regress. Clear mechanisms must be put in place; the quota system was necessary, even unavoidable, but a gradual approach was needed and a change in mentality must be accompanied. She had asked Angela Merkel at the April part-session what recommendations she could give to promote better access to leadership for women, in the light of her long political experience, and Ms Merkel had agreed that it was necessary to help bring about change through compulsory measures. It was a question of promoting better gender representation and this should not be done against men, but together in a common will.

Mr Cottier was in favour of strong commitments and incentives to promote gender equality but was more sceptical about quotas and sanctions. Parliaments reflected the will of the electorate, which was free to choose. Strict mandatory quotas were not the right approach. Such a debate had taken place during the last cantonal elections in the Canton of Neuchâtel: some parties had been hostile to the introduction of quotas on their lists, others had included 50% women on their lists, or a minimum of 30% women, and placed women at the top of the list. In the end, while quotas had not been mandatory, Neuchâtel was the first cantonal parliament in Switzerland with a majority of women - 56%. We must therefore have an open debate, but avoid any binding obligation. Political impetus could be given by other means; he had already had occasion to mention the United Nations Gender Equality Champions Programme, which was a commitment by example at all levels. He was not totally opposed to quotas, but believed that the goal could be achieved without coercion or sanctions.

Ms Schou shared this view which was in line with her experience. Sometimes there was a conflict between the interests of the parties and the electorate.

Mr Gavan said that even with all the good will in the world, quotas were needed to produce concrete results in practice. His own party's experience moreover showed that they worked. In the Assembly, political groups did not have the same scope for imposing quotas, as their membership depended on the persons appointed to delegations from national parliaments. This made it all the more important for national delegations to reflect a 50-50 gender balance.

Mr Pojciej underlined that national delegations were more difficult to compose when members were required to speak fluently a language other than their mother tongue. This issue had to be taken into consideration.

Ms Trisse called on members to focus on incentives, to be creative, and to put in place and be ready to apply sanctions where needed. A collegial result could be achieved through discussion.

Ms Bayr, in her capacity as rapporteur for opinion, emphasised that the aim was not for the Assembly to influence voting systems in member states but to ensure gender equality was respected in the Assembly's composition. So-called "zipper" (tandem or zebra) systems did not work when constituencies were small and the first candidates were all men. Parties needed to think about how they wanted to be represented at the end of the day, and how to ensure that that occurred in practice. No Council of Europe member State had an all-male parliament, so having mixed delegations should not be a problem. The problem of languages in international parliamentary bodies had been around for much longer than it took to learn a foreign language; the question was what measures parliaments were taking to ensure their members could participate actively in international assemblies. Delegations to this Assembly were not directly elected but selected from national parliaments. She fully agreed that quotas worked.

It was true that change did not happen overnight; the French example, with clear targets, timeframes, mid-way targets and regular evaluations, was however inspirational. Sanctions were necessary to ensure compliance; good will was not enough. Since there was no question of increasing the overall size of the Assembly, it was a matter of fact and simple mathematics that if more women became members, then there would necessarily be fewer men. She agreed with Ms Trisse that the question went beyond numbers: the responsibilities given to women and men were also important. In the Assembly, political groups had a crucial role to play here, and bore responsibility for whom they elected to their highest positions and designated to represent them in different bodies.

Mr Pojciej observed that language issues concerned men as well as women. A delegation had once been rejected because it was composed solely of women. Parliamentarians did not have the time or resources to learn other languages. This had to be taken into account.

Ms Schou thanked the invited speakers for their contributions, which were much appreciated and closed the discussion. The committee would come back to the issue at its meeting of 8 September, where it would examine a draft report.