



Handbook on Observing and Promoting Women's Electoral Participation



HANDBOOK ON OBSERVING AND PROMOTING WOMEN'S ELECTORAL PARTICIPATION



Handbook on Observing and Promoting Women's Electoral Participation

Published by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR)

Miodowa 10
00-557 Warsaw
Poland

www.osce.org/odihr

© OSCE/ODIHR 2023

ISBN 978-83-66690-81-3

All rights reserved. The contents of this publication may be freely used and copied for educational and other non-commercial purposes, provided that any such reproduction is accompanied by an acknowledgement of ODIHR as the source.

Designed by: Filip Andronik
Cover illustration by Filip Andronik



TABLE OF CONTENTS

Introduction	9
A. The Purpose of This Handbook	9
B. How to Use the Handbook	10
Chapter 1. Relevant Osce Commitments and Other International Obligations and Standards	12
A. OSCE Commitments	12
B. International Obligations and Standards	14
C. Regional Obligations and Standards	18
D. Other International Instruments	20
Chapter 2. Areas of Focus for ODIHR election observation activities	21
A. Background and Context	21
B. Legal Framework	25
C. Electoral Systems And Related Elements	28
D. Election Administration	34
E. Voter Registration	37
F. Candidate Nomination and Registration	40
G. The Campaign	44
H. Campaign Financing	48
I. Media	51
J. Election Dispute Resolution	55

K. Election Day	57
Chapter 3. Violence Against Women in Elections	60
Chapter 4. Participation of Under-represented Groups	66
Chapter 5. The Role of ODIHR Missions and Observers	72
A. Needs Assessment Missions	72
B. Election Observation Activities	76
C. Developing Gender-related Recommendations	82
D. Follow-up to Electoral Recommendations from a Gender Perspective	83
ANNEXE A Selected International Standards	85
ANNEXE B Additional Useful Resources	91

FOREWORD

The balanced participation of women and men in elections and electoral processes is an essential condition for societies that are based on justice and democracy. The right of citizens to vote and to seek political or public office without discrimination based on gender is a longstanding commitment of OSCE participating States; realizing this commitment presupposes the implementation of existing obligations and standards as well as supporting policies to achieve parity. However, although there has been significant increase in the proportion of women in elected office — with an average of 25 per cent of parliamentary seats worldwide and 26.1 per cent in the OSCE region — this is short of the 30 per cent goal prescribed by the Beijing declaration.¹

At the international level, a number of legally binding instruments and other tools are available to help jurisdictions in their efforts to advance women’s participation in elections, including as voters, candidates and representatives of election management bodies. Among these, it is worth citing the International Convention on Elimination of All Forms of Discrimination against Women (CEDAW), which requires States Parties to “take all appropriate measures to eliminate discrimination against women in the political and public life of the country” including through the establishment of temporary special measures, which shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

At the same time, addressing equality between women and men through legal channels alone (*de jure*) may not be sufficient, and other practical measures may be warranted to improve the *de facto* situation. Since an election is one of the main routes for women’s entry into politics, it is important to make sure that all election processes duly take into consideration the needs of this under-represented group. This applies to the choice of the electoral system, voter and candidate registration

¹ See [Inter-Parliamentary Union](http://archive.ipu.org/wmn-e/world.htm) website (last accessed 19 September 2022), world average for 2019, <<http://archive.ipu.org/wmn-e/world.htm>>.

procedures, the composition of the election administration, campaign rules and practices, and related financing, voting modalities, and other considerations.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has developed a systematic and comprehensive methodology for observing elections. Although there have been no major changes to ODIHR's methodology in assessing women's participation in elections since the release of the first handbook in 2004, this second edition builds on the experience gained over three decades of observation of women's involvement in electoral processes. The handbook takes also into account gender-related *acquis*, the challenges of observing this thematic area, as well as ODIHR's overall efforts in promoting women's participation in public life. It looks into new areas of potential focus for ODIHR observers, such as the inclusion of persons with disabilities, national minorities and youth, the challenges around the financing of electoral campaign, and the discrimination or violence against women candidates, including on social networks.

I am confident that this handbook will further improve our election observation methodology and, ultimately, help advance the rights of women voters, candidates and members of election administrations. ODIHR acknowledges the important contribution of all experts and organizations who provided feedback at various stages of the development of this handbook.

Matteo Mecacci
ODIHR Director

LIST OF ACRONYMS

AVM	Alternative Voting Methods
CDL	Council for Democratic Elections
CEDAW	Convention on the Elimination of All Forms of Discrimination
CIS	Commonwealth of Independent States
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
CT	Core Team
DHoM	Deputy Head of Mission
DoP	Declaration of Principles
EAM	Election Observation Activity
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EDR	Election Dispute Resolution
EET	Election Observation Team
EMB	Election Management Body
EOA	Election Observation Activity
EOM	Election Observation Mission
FCNM	Framework Convention for the Protection of National Minorities
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
ICCPR	International Covenant on Civil and Political Rights
IDP	Internally Displaced Person
IFES	International Foundation for Electoral Systems
IPU	Inter-Parliamentary Union

LTO	Long Term Observers
NAM	Needs Assessment Mission
NDI	National Democratic Institute
NGO	Non-Governmental Organization
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation in Europe
OSCE pS	Participating State
SDG	Sustainable Development Goals
STO	Short Term Observers
UN	United Nations
UNDP	United Nations Development Program
UN HRC	United Nations Human Rights Committee
VAWE	Violence Against Women in Elections

INTRODUCTION

A. THE PURPOSE OF THIS HANDBOOK

As part of its comprehensive election observation methodology, the second edition of the Handbook on Observing and Promoting Women’s Participation in Elections builds on the first edition published in 2004 and elaborates further ODIHR’s methodology for assessing and issuing recommendations on women’s participation in elections. In addition to providing guidance to ODIHR election observation activities (EOAs), the Handbook can help inform participating States — their election management bodies, political parties, voters, candidates, media, and civil society — about OSCE commitments and other international and regional standards and good practice for women’s electoral participation. It builds on experience gained over nearly three decades of election observation and takes into account the activities of participating States and ODIHR to promote women’s participation in political life, including through elections.²

ODIHR is committed to review and refine its election observation methodology regularly, in line with tasking by OSCE participating States.³ This new edition takes into account emerging issues as well as new standards and good practice.⁴ These include, among others, developments related to politically under-represented groups (including people with disabilities, national minorities and youth), campaign finance, violence against women in elections (VAWE), alternative voting methods, and the

2 See for example reporting from the 2019 ODIHR regional conference on “Addressing ODIHR Electoral Recommendations from a Gender Perspective”, Sarajevo, 10 October 2019, <<https://www.osce.org/odihr/elections/435158>>, part of ODIHR’s project on [Support to Elections in the Western Balkans](https://www.osce.org/odihr/support-to-elections-in-western-balkans), <<https://www.osce.org/odihr/support-to-elections-in-western-balkans>>.

3 As tasked by the OSCE participating States (Ministerial Council Decision 19/06), this publication has been developed on the basis of extra-budgetary contributions by OSCE participating States.

4 Including recent OSCE commitments, such as OSCE Ministerial Council Decisions on [Women’s participation in political and public life](https://www.osce.org/mc/40710) (Athens, 2009), <<https://www.osce.org/mc/40710>>, on the [Safety of Journalists](https://www.osce.org/chairmanship/406538) (Rome, 2018), <<https://www.osce.org/chairmanship/406538>>, on [Preventing and combating violence against women](https://www.osce.org/chairmanship/406019) (Rome, 2018), <<https://www.osce.org/chairmanship/406019>>.

impact of online media and social networks.⁵ There is also increased focus on issues to look at during ODIHR Needs Assessment Missions (NAMs) which recommend both the type of election observation activity and follow-up activities to support implementation of election observation recommendations.

The handbook continues the focus of the first edition on women’s participation in elections because women continue to be under-represented in electoral processes across the OSCE region, and there are explicit provisions to improve the situation in various international instruments (see next chapter). Other issues related to gender categorization, such as gender identity and sexual diversity, are also referred to in the handbook as part of broader questions related to the inclusiveness of electoral processes, although not in an exhaustive manner.⁶

B. HOW TO USE THE HANDBOOK

The handbook was designed as a working tool primarily to assist ODIHR EOAs in assessing women’s participation in elections, in developing recommendations to improve their representation and to promote gender equality.⁷ It includes points of inquiry on different aspects of women’s participation in the electoral process. The lists of questions to be explored by an EOA are indicative, showing possible areas of examination, and will be variously applied according to the specific context. They are not exhaustive and should not prevent EOAs examining other issues that may arise.

5 Some developments have also been included in other ODIHR publications. For example, the “[Handbook for the Observation of Campaign Finance](https://www.osce.org/odihr/elections/135516)”, 21 January 2015, <<https://www.osce.org/odihr/elections/135516>>, the “[Handbook on the Follow-up of Electoral Recommendations](https://www.osce.org/odihr/elections/244941)”, 6 June 2016, <<https://www.osce.org/odihr/elections/244941>>, the “[Guidelines for Public Security Providers in Elections](https://www.osce.org/odihr/elections/339581)”, 12 September 2017, <<https://www.osce.org/odihr/elections/339581>>, and the “[Handbook for the Observation of Election Dispute Resolution](https://www.osce.org/odihr/elections/429566)”, 17 September 2019, <<https://www.osce.org/odihr/elections/429566>>, devote specific attention to gender monitoring through dedicated chapters on the participation of women. See also the 2022 ODIHR “[Toolkit on Countering Violence Against Women in Politics](https://www.osce.org/odihr/530272)” <<https://www.osce.org/odihr/530272>>.

6 According to the [OSCE Glossary on Gender-Related Terms](https://www.osce.org/gender/26397), <<https://www.osce.org/gender/26397>>, “Gender is a term used to describe socially constructed roles for women and men. Gender is an acquired identity that is learned, changes over time, and varies widely within and across cultures.”

7 2005 [Declaration of Principles \(DoP\) for International Election Observation](https://www.osce.org/odihr/elections/215556), <<https://www.osce.org/odihr/elections/215556>>, states that observers have the responsibility to “examine discrimination or other obstacles that could hinder participation in electoral processes.”

Chapter 1 provides an overview of OSCE commitments and other international and regional obligations and standards, including the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Chapter 2 looks into potential challenges for women’s participation in all stages of the electoral process. This includes the legal framework and electoral system, the election administration, voter and candidate registration, voting mechanisms, the campaign and its financing, media, election dispute resolution (EDR) and election-day procedures.

Chapter 3 considers violence against women in elections. Chapter 4 examines the inclusion and participation of women from under-represented groups, including women with disabilities, youth and minorities, and also looks at gender-identity issues.

Chapter 5 covers NAMs, which determine the scope and format of election observation activities, as well as the roles of long- and short-term observers (LTOs and STOs), and the development of gender-related recommendations. It also elaborates on post-election activities to support countries in following up on ODIHR’s election assessments and recommendations from a gender perspective. The annexes contain extracts from the main international and regional instruments related to gender and a compilation of useful resources.



CHAPTER 1. RELEVANT OSCE COMMITMENTS AND OTHER INTERNATIONAL OBLIGATIONS AND STANDARDS

A. OSCE COMMITMENTS

Within the OSCE, commitments on equal access to political rights are primarily contained in the 1990 Copenhagen Document.⁸ In paragraph 5.9 in particular, participating States commit themselves to “prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground”. In paragraph 7.5, participating States commit to “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”. More generally, in paragraph 40, participating States “clearly and unequivocally condemn [...] discrimination against anyone...” In this context, they “recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination” (40.5).

The Copenhagen Document further calls on participating States to consider “adhering, if they have not yet done so, to the international instruments which address the problem of discrimination and ensure full compliance with the obligations therein, including those relating to the submission of periodic reports” (40.6), as well as to accept “those international mechanisms which allow States and individuals to bring communications relating to discrimination before international bodies” (40.7).

8 [Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 1990](http://www.osce.org/odihr). The text of this and other OSCE documents are available on the ODIHR website: <www.osce.org/odihr>.

OSCE commitments on equality between women and men are also included in the 1991 Moscow Document and the 1999 Charter for European Security, both of which commit participating States to promote equality between women and men at all levels.⁹ Paragraph 40 of the Moscow Document invites participating States to recognize that “full and true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law”.¹⁰ It also encourages participating States to comply with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Subsequently, paragraph 23 of the Charter for European Security commits participating States to make equality between men and women an integral part of policies, at the state level and within the OSCE.

In the last few decades, there has been increased organizational focus on addressing discrimination and the specific needs related to women’s participation in elections. In this regard, OSCE Ministerial Council Decision No. 7/09 on Women’s Participation in Political and Public Life calls on participating States to “consider legislative measures to facilitate balanced participation in political and public life”.¹¹ Ministerial Council Decision No. 4/18 on Preventing and Combating Violence Against Women calls on participating States to “encourage all relevant actors... to contribute to preventing and combating all forms of violence against women, including those engaged in professional activities with public exposure and/or in the interest of society”.¹² Ministerial Council Decision No. 3/18 on the Safety of Journalists, recognizing “the crucial role of journalists in covering elections”, notes “the distinct risks faced by women journalists in relation to their work, including through digital technologies”.¹³

In regard to specific groups, the 2003 OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area encourages participating States “to take measures to guarantee the equal voting rights of women, including by enforcing prohibitions on so-called ‘family voting’” and “to promote Roma women’s participation in public and political life”.¹⁴

9 The 1999 [Charter for European Security](https://www.osce.org/files/f/documents/4/2/17502.pdf), <<https://www.osce.org/files/f/documents/4/2/17502.pdf>>.

10 [OSCE Moscow Document 1991](https://www.osce.org/files/f/documents/2/3/14310.pdf), <<https://www.osce.org/files/f/documents/2/3/14310.pdf>>.

11 [Ministerial Council Decision No. 7/09](https://www.osce.org/files/f/documents/2/a/40710.pdf), <<https://www.osce.org/files/f/documents/2/a/40710.pdf>>.

12 [Ministerial Council Decision No. 4/18](https://www.osce.org/files/f/documents/e/e/406019.pdf), <<https://www.osce.org/files/f/documents/e/e/406019.pdf>>.

13 [Ministerial Council Decision No. 3/18](https://www.osce.org/files/mcdecoo03%20safety%20of%20journalists%20en.pdf), <<https://www.osce.org/files/mcdecoo03%20safety%20of%20journalists%20en.pdf>>.

14 [Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area](http://www.osce.org/odihr/17554), OSCE, 27 November 2002, <<http://www.osce.org/odihr/17554>>.

The 2004 OSCE Action Plan for the Promotion of Gender Equality specifically mandated ODIHR’s Election Department to “monitor and report on women’s political participation in electoral processes”.¹⁵ It also notes that, “when possible, ODIHR will commission and publish reports specifically analysing the situation of women in electoral processes. Additionally, institutions and missions will encourage gender-balanced reporting (...) related to the implementation of OSCE commitments on gender equality”. Other Ministerial Council Decisions call on participating States to ensure the equal rights of women and men and to address discrimination.¹⁶

B. INTERNATIONAL OBLIGATIONS AND STANDARDS

Article 3 of the 1966 International Covenant on Civil and Political Rights (ICCPR) enshrines the “equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant”, including Article 25 on the right to vote and to be elected.¹⁷ In 2000, the treaty monitoring body, the United Nations Human Rights Committee (HRC), released an authoritative interpretation of Article 3, in its General Comment 28. This notes that “[d]iscrimination against women is often intertwined with discrimination on other grounds such as race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status” and calls on treaty signatories “not only to adopt measures of protection, but also positive measures in all areas so as to achieve the effective and equal empowerment of women.”¹⁸ It also encourages signatories “to review their legislation

15 [Ministerial Council Decision No. 14/04](https://www.osce.org/mc/23295), OSCE, 7 December 2004, <<https://www.osce.org/mc/23295>>.

16 In the [1983 Madrid Document](https://www.osce.org/mc/40871), <<https://www.osce.org/mc/40871>>, the participating States stressed “the importance of ensuring equal rights of men and women” and agreed to “take all actions necessary to promote equally effective participation of men and women in political, economic, social and cultural life.” In the [1989 Vienna Document](https://www.osce.org/mc/40881) <<https://www.osce.org/mc/40881>>, they confirmed “their determination to ensure equal rights of men and women” and vowed “to take all measures necessary, including legislative measures, to promote equally effective participation of men and women in political [...] life”. [Ministerial Council Decision No. 13/06](https://www.osce.org/mc/23114), 6 December 2006, <<https://www.osce.org/mc/23114>> on Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding acknowledges the importance of equal opportunities for effective participation in democratic societies and deplores discriminatory public discourse. It encourages participating States in “promoting policies focusing on equality of opportunity, rights, access to justice and public services, and on fostering dialogue and effective participation.”

17 See full text of the [ICCPR](https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx) at: <<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>>. As of 4 October 2022, 173 countries worldwide including 56 OSCE participating States are State Parties to the treaty, <<https://indicators.ohchr.org>>.

18 See [General Comment 28](https://tbineternet.ohchr.org/Treaty) of the UNOCHCR, 29 March 2000, <<https://tbineternet.ohchr.org/Treaty>>.

and practices and take the lead in implementing all measures necessary to eliminate discrimination against women in all fields, for example by prohibiting discrimination [...] in areas such as [...] political activities.”

However, to date, the most comprehensive instrument for the advancement of women is the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹⁹ CEDAW has very wide applicability, with 189 state Parties to the convention, and two countries having signed but not ratified at the time of writing.²⁰ The treaty obliges signatories to condemn and eliminate all forms of discrimination, including related to the enjoyment of political rights (Article 2).

Political rights are explicitly addressed in CEDAW Article 7. This requires States Parties to the treaty to “take all appropriate measures to eliminate discrimination against women in the political and public life of the country”. It goes on to elaborate that States Parties “shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.”

Thus, Article 7 contains strong obligations through its reference to signatories taking “all appropriate measures” to “eliminate” discrimination and “ensur[ing]” participation on equal terms. CEDAW Article 4 establishes that temporary special measures to accelerate de facto equality are not to be considered discriminatory. It also establishes that such measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved. Thus, there is a focus not just on legal equality (de jure), but on equality in practice and in outcome (de facto).

The treaty monitoring body, the Committee on the Elimination of Discrimination against Women (“the Committee”) has issued authoritative general recommendations interpreting the treaty’s provisions. In 2004, General Recommendation 25 was issued on the use of temporary special measures, which states that it is “not enough

ties/CCPR/Shared%20Documents/1_Global/CCPR_C_21_Rev-1_Add-10_6619_E.pdf>.

19 See full text of CEDAW, <<https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>>.

20 <<https://indicators.ohchr.org>>.

to guarantee women treatment that is identical to that of men” and that States Parties “should evaluate the potential impact of temporary special measures with regard to a particular goal within their national context and adopt those temporary special measures which they consider to be the most appropriate in order to accelerate the achievement of de facto or substantive equality for women.”²¹

Prior to this, in 1997, the Committee released General Recommendation 23 on Political and Public life. This states that “The critical issue, emphasized in the Beijing Platform for Action, is the gap between the de jure and de facto, or the right as against the reality of women’s participation in politics and public life generally. These [Article 7] rights must be enjoyed both de jure and de facto” (See also *Additional International Initiatives* below).²²

General Recommendation 23 also establishes that government bodies should consult and incorporate the advice of groups which are broadly representative of women’s views and interests and that there should be equality of women’s representation in the formation of government policy.²³ Reference is also made to State Parties reporting statistical data showing the percentage of women relative to men who enjoy political rights.²⁴ General Recommendation 23 affirms that all branches of the state are covered by the treaty.²⁵ Furthermore, it states that governments should encourage political parties to adopt effective measures.²⁶

21 See UNGA [General Recommendation 25](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3733_E.pdf), 18 December 1979, <https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3733_E.pdf>.

22 UNGA [General Recommendation 23](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4736_E.pdf), paragraphs 16 and 18, 1997, <https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4736_E.pdf>.

23 General Recommendation 23 paragraph 28 notes, “States parties should also endeavour to ensure that women are appointed to government advisory bodies on an equal basis with men and that these bodies take into account, as appropriate, the views of representative women’s groups. It is the Government’s fundamental responsibility to encourage these initiatives to lead and guide public opinion and change attitudes that discriminate against women or discourage women’s involvement in political and public life.” Paragraph 46 also notes “Under article 7, paragraph (b), such measures include those designed to ensure: (a) Equality of representation of women in the formulation of government policy.

24 General Recommendation 23 paragraph 48 notes, “When reporting under article 7, States parties should ... (d) Include statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy those rights”.

25 General Recommendation 23, para. 5, “The obligation specified in article 7 extends to all areas of public and political life and is not limited to those areas specified in subparagraphs (a), (b) and (c). The political and public life of a country is a broad concept. It refers to the exercise of political power, in particular the exercise of legislative, judicial, executive and administrative powers. The term covers all aspects of public administration and the formulation and implementation of policy at the international, national, regional and local levels.”

26 General Recommendation 23, para. 5, “Article 7 obliges States parties to take all appropriate

Women with disabilities are explicitly referred to in the 2008 Convention on the Rights of Persons with Disabilities (CRPD).²⁷ Article 6 recognizes that “women and girls with disabilities are subject to multiple discrimination, and in this regard States Parties shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms”. Article 29 calls on States Parties to guarantee political rights to people with disabilities and the opportunity to enjoy them on an equal basis with others”. In particular, they should “ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected”.²⁸

In addition to legally binding treaties, there are a number of other agreements that are politically persuasive and help establish standards in regard to women’s electoral participation. For example, a 2011 United Nations General Assembly Resolution on Women and Political Participation (66/130) calls for, among other measures, training to encourage participation, and sustaining an environment of zero tolerance for violence against women officials and candidates.²⁹ It also calls on states to “review the differential impact of their electoral systems on the political participation of women and their representation in elected bodies and to adjust or reform those systems where appropriate”. While the choice of electoral system is a sovereign matter, there is emphasis on considering the impact of electoral systems and their technical design and implementation on the participation of women in elections.

measures to eliminate discrimination against women in political and public life and to ensure that they enjoy equality with men in political and public life... The concept also includes many aspects of civil society, including public boards and local councils and the activities of organizations such as political parties, trade unions, professional or industry associations, women’s organizations, community-based organizations and other organizations concerned with public and political life.”

- 27 [Convention on the Rights of Persons with Disabilities and Optional Protocol](http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf), UN, 2007, <www.un.org/disabilities/documents/convention/convoptprot-e.pdf>. At the time of writing, 182 countries are States Parties to the treaty, see <<https://indicators.ohchr.org>>.
- 28 For more on this see the “[Handbook on Observing and Promoting the Electoral Participation of Persons with Disabilities](#)”, ODIHR, 12 September 2017, <<https://www.osce.org/odihr/elections/handbook-observing-people-with-disabilities>>.
- 29 [UNGA Resolution 66/130](#). Women and political participation, A/RES/66/130, 19 December 2011, <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/466/62/PDF/N1146662.pdf?OpenElement>>.

C. REGIONAL OBLIGATIONS AND STANDARDS

Most OSCE participating States are also members of the Council of Europe and, therefore, bound by the European Convention on Human Rights (ECHR) and its protocols and case law, as well as other legally non-binding instruments. Article 14 of the ECHR and Protocol 12 prohibit discrimination in relation to any Convention right as well as in relation to the “enjoyment of any right set by law”. This includes the right to “free elections” which is established in Article 3 of Protocol 1.³⁰

There is a modest amount of case law from the European Court of Human Rights (ECtHR) in matters related to women’s participation in elections. Although considered inadmissible, in the case *Staatkundig Gereformeerde Partij v. the Netherlands*, the ECtHR took the view that a political party barring women from standing for public office would deny women their fundamental human rights, regardless of the deeply held religious convictions on which such actions were based.³¹

In 2003, the Council of Europe’s Committee of Ministers issued a recommendation on promoting the balanced participation of women and men in political and public decision-making, such that the representation of both men and women in any decision-making body should not fall below 40 per cent.³² It encourages taking “special measures to stimulate and support women to participate in political decision making” and calls on member States to “consider setting targets, with a timescale for delivery, monitor and evaluate progress, and report regularly on measures taken and progress made”. While this recommendation is not legally binding, it is authoritative and persuasive.

The Council of Europe’s Convention on Preventing and Combating Violence Against Women and Domestic Violence (also known as the Istanbul Convention) defines violence against women as “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to

30 [European Convention on Human Rights](https://www.echr.coe.int/Documents/Convention_ENG.pdf), Council of Europe, <https://www.echr.coe.int/Documents/Convention_ENG.pdf> .

31 *Staatkundig Gereformeerde Partij v. the Netherlands*, European Court of Human Rights, 10 July 2012, <<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-112340%22%5D%7D>> .

32 [Council of Europe Recommendation Rec\(2003\)3](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805eo848) on balanced participation of women and men in political and public decision making, 12 March 2003, <https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805eo848> .

women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.³³ A Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) monitors legislative and practical measures taken to give effect to the Convention by the states that have ratified the treaty.³⁴ To date, 34 member States of the Council of Europe, all of which are also OSCE participating States, have ratified the Istanbul Convention.³⁵

One authoritative source of good practice is the Council of Europe’s European Commission for Democracy through Law (the Venice Commission).³⁶ The Venice Commission has issued a number of general and thematic reports on women’s electoral participation and gender equality, and several legal opinions, together with ODIHR, related to the electoral legislation of individual states.³⁷ The Venice Commission’s Code of Good Practice in Electoral Matters recognizes that special measures seeking to address traditionally existing imbalances in universal representation do not go against the principle of equal suffrage.³⁸ Such measures may include quotas, reserved seats for specific groups, and exemptions from quorum requirements or lower thresholds.

The Commonwealth of Independent States Convention on the Standards of Democratic Elections, Electoral Rights and Freedom also refers to non-discrimination. It states in Article 2 that “the citizen’s right to elect and to be elected to the bodies of state power, to local self-governments, to other people’s (national) representation and other elected posts does not depend on and is exercised without any limitations of a discriminatory nature in terms of sex, language, religion or denomination,

33 The treaty came into force in 2014. Council of Europe [Convention on preventing and combating violence against women and domestic violence](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210) (CETS No. 210), 2014, <<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>> .

34 In addition, in cases where action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the Convention, GREVIO may initiate a special inquiry procedure.

35 [Istanbul Convention signatories](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures), <<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>> .

36 [Venice Commission members](https://www.venice.coe.int), <<https://www.venice.coe.int>> .

37 [Compilation of Venice Commission Opinions and Reports concerning gender equality](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2016)007-e), Venice Commission, Strasbourg, 13 June 2016, <[https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2016\)007-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2016)007-e)> , Draft Compilation of Venice Commission Opinions and Reports concerning Electoral Systems and Gender Representation, CDL(2019)015, Strasbourg, 2 May 2019, <[https://www.venice.coe.int/webforms/documents/?pdf=CDL\(2019\)015-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL(2019)015-e)> .

38 See Venice Commission, [Code of Good Practice in Electoral Matters](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-e), 25 October 2018, Guidelines, sections I.2.4.b, I.2.5, Strasbourg, <[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-e)> .

political or other convictions, national or social origin, membership of a national minority or ethnic group, property status or other circumstances.”³⁹

D. OTHER INTERNATIONAL INSTRUMENTS

In 1995, the landmark Fourth World Conference on Women was held, culminating in the adoption of the Beijing Declaration and Platform for Action, later endorsed by the UN General Assembly.⁴⁰ The Platform is known for establishing international recognition of a 30 per cent target for women’s representation at decision-making levels.

In 2000, the UN Security Council adopted resolution 1325 on Women, Peace and Security. This urges “increased representation of women in decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict”.⁴¹

The importance of women’s political participation is also recognized in the Sustainable Development Goals (SDGs), adopted by heads of states and governments at a 2015 UN summit.⁴² SDG 5 on gender equality includes target 5.5 which refers to “women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life”. SDG 16 on peace, justice and strong institutions, includes an indicator of responsive, inclusive, participatory and representative decision-making at all levels.

39 The convention on standards of democratic elections, the voting rights and freedoms in the State Parties of the Commonwealth of Independent States, [CIS Legislation website](https://cis-legislation.com/document.fwx?rgn=4711), 7 October 2002, accessed 1 October 2022, <<https://cis-legislation.com/document.fwx?rgn=4711>>.

40 [Beijing Declaration and Platform for Action](https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf), Fourth World Conference on Women, 4-15 September 1995, <<https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>>.

41 [UN Security Council resolution 1325 on Women](https://www.un.org/womenwatch/osagi/wps/#resolution), Peace and Security, 31 October 2000, <<https://www.un.org/womenwatch/osagi/wps/#resolution>>.

42 “[Transforming our world: the 2030 Agenda for Sustainable Development](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/291/89/PDF/N1529189.pdf?OpenElement)” (SDGs), UNGA A/RES/70/1, 21 October 2015, <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/291/89/PDF/N1529189.pdf?OpenElement>>.



CHAPTER 2.

AREAS OF FOCUS FOR ODIHR ELECTION OBSERVATION ACTIVITIES

2

This section looks at a range of possible areas and issues ODIHR EOAs may consider when assessing women’s electoral participation and related compliance with international obligations and standards (as detailed above). Core team members should identify where standards have been fulfilled and where there are shortcomings, and develop actionable recommendations for improvements. This section follows the typical structure of an EOA final report and gives an indicative list of questions for analysts to consider. These should not be seen as prescriptive, but rather as a range of possible inquiry points for core team members to consider depending on the situation in each country. Similarly, different core team members may lead on the listed points of inquiry depending on the type of EOA, the composition of the core team and the context.

A. BACKGROUND AND CONTEXT

The ability of women to participate fully in political life, including in the electoral process, depends on whether there is an enabling environment, including social and cultural norms and whether there is political will actively to promote inclusion. A number of issues need to be considered in order to assess the extent to which there is an enabling environment.

It is crucial that full data disaggregated by sex is available at all levels. Data collection enables the position of women in society, and the scale of different experiences, to

be measured, creating visibility and providing evidence upon which to ground possible interventions. Consideration should be given to the reliability of the data and how confident stakeholders are in the statistics.

The ratio of men to women in an outgoing parliament and in other elected positions demonstrates whether there is currently structural under-representation. If women are systemically and consistently under-represented in elected office, temporary special measures may be warranted. The trajectory and pace of improvement towards parity should also be examined. If temporary special measures are already in place, then they should be analysed regularly to see if they are effective. Is there evidence of continuous improvement, or might additional or different temporary special measures be warranted? Are the existing measures adequately implemented and enforced? Should more effective sanctions or incentives be introduced in relation to those measures?

It can be revealing to look at the proportion of women and men incumbents who have chosen not to run for another term in office. In some countries it appears that women are more likely to leave politics than men. The concerns they rise include the difficulties of balancing professional demands and family life, the feeling that they are not taken seriously, the confrontational atmosphere in parliaments and within political parties, and a sense that they cannot sufficiently advance.⁴³

The number and proportion of women in local and regional councils or assemblies is also important because one of the common routes to elected office at the national level is through political success at the local level. If women are not adequately represented in local bodies, the pool of qualified and experienced women candidates for national office may be smaller. One consideration is whether local elected officials serve full- or part-time and whether they are salaried, because income barriers to participation may disproportionately affect women.

The number of women in cabinet and other similar high-level positions and the nature of these posts may also be indicative of the status of women in political life. Women are often appointed to ministries commonly considered as covering

43 See for example the findings of a “[Regional study on women’s political representation in the Eastern Partnership countries](https://rm.coe.int/regional-study-on-women-s-political-representation-in-the-eastern-part/168070b6a4)”, 2nd edition, Council of Europe, Strasbourg, October 2017, <<https://rm.coe.int/regional-study-on-women-s-political-representation-in-the-eastern-part/168070b6a4>>.

‘women’s issues’, such as social services, family issues or education. When this excludes other roles in government, it reinforces societal expectations based on stereotypes of women as mothers, educators and homemakers.

The establishment of national gender-action plans — including those targeting the structures and activities of governments, parliaments and political parties — and the status of their implementation may be an indicator of the existing level of commitment to women’s empowerment. It is important to look at: whether a plan identifies areas of improvement specific to political and electoral inclusion and participation; who are the responsible agencies; whether implementation is monitored; and if any public reporting exists on the status of the plan.

It may be harder for women to participate politically where there are low levels of literacy, education and economic opportunity. Likewise the existence of entrenched traditional and popular representations of women that do not promote women having a political voice can also be barriers. All of these difficulties may be subject to geographical divides, such as between urban and rural communities and areas with concentrations of national minorities. A low level of violence against women is a critical indicator of inclusive, equitable and sustainable societies (see also section 3 below, on violence against women in elections).

It is also important that EOAs meet with women’s organizations and civil society organizations that follow women’s electoral participation and consider their role. This should cover whether they can de facto operate, whether they are consulted by state agencies during election reform processes, and their effectiveness in addressing women’s issues especially in regard to political participation. In addition, it is worth analysing whether there are strategic partnerships between women’s groups and men leaders and other stakeholders and how effective they are at advancing gender equality in elections.

POINTS OF INQUIRY

- ▶ What is the ratio of women to men in the outgoing parliament and other elected bodies at regional and local levels?
- ▶ Is full sex-disaggregated data available? Is there confidence in it?
- ▶ How many women are in the cabinet of ministers or in high level executive posts? Which portfolios do they have?
- ▶ Are fewer women incumbents standing for re-election?
- ▶ Are there any national gender policies accompanied by action plans? Are they implemented effectively?
- ▶ Are there any recent or significant improvements in the area of gender equality in the country? Has there been any significant backsliding recently?
- ▶ What are the levels of literacy, education and economic opportunity for women?
- ▶ What are the reported and perceived levels of gender-based violence?
- ▶ Are there civil society groups that support women's rights, including in regard to political rights? Do they have the 'space', resources and know-how to operate properly? Are they consulted during electoral reforms?

B. LEGAL FRAMEWORK

An EOA assesses how well a country’s constitutional, legal and regulatory framework meets OSCE commitments and other international obligations and standards. Therefore the legal framework should be analysed to see if it guarantees political and electoral rights on an equal and non-discriminatory basis. Are special measures incorporated as required by international obligations and standards, and are these legal provisions effectively enforced?⁴⁴

An EOA should check which gender-related international treaties, optional protocols and other agreements have been signed and ratified and whether any reservations have been made. It should also determine the place of the treaty in the hierarchy of legal norms and whether international case law has direct application in the country’s legal system. Reports to and from treaty monitoring bodies should also be looked at.

CEDAW commits State parties to “embody the principle of the equality of men and women in their national constitutions or other appropriate legislation”.⁴⁵ Therefore, electoral and political party legislation, rules and regulations will be analysed to assess the extent to which they support women’s participation, including through special measures. Positive legislative features include requirements for sex-disaggregated data at all stages of an electoral process and inclusive lawmaking processes that include consultation with women’s groups. Legal provisions should be assessed to see whether they benefit women and men equally or particularly disadvantage women. Some other, related legislation may also be examined to help understand the role of women in public life and leadership. These may include laws related to personal status (e.g., women unable to go out in public without a brother or father), family and guardianship, employment, taxes, inheritance and property, and civil and penal codes.

Anti-discrimination provisions, such as separate laws addressing equality between women and men, may exist in national law. In this case an EOA should assess their

44 “Guidelines on Political Party Regulation, 2nd edition”, ODIHR-Venice Commission, 14 December 2020, <[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)032-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)032-e)>, which also addresses ways in which political party legislation can promote gender equality (including through special temporary measures) in Part III on Parties in Elections (paras 188-190).

45 CEDAW, *op. cit.*, note 19, article 2 (a).

implementation and impact on the electoral process. Consideration should also be given to authoritative interpretation of such legislation in case law. The existence and powers of any statutory bodies that are mandated to address women's rights may also be assessed.

For any future legal and electoral reform efforts, it is worth noting the legal gaps and inconsistencies that may lead to discrimination against women as well as the erroneous interpretation of laws and regulations that may disadvantage them. Here, recommendations should focus on harmonizing legislation from a gender perspective to ensure the equal treatment of women and men.

Another aspect to consider is whether the electoral reform process, including the drafting of election-related legislation, was inclusive and conducted with due consideration of the views of women's groups. This should include consultation on all issues, not just on matters perceived as relevant to the advancement of women's electoral rights.

POINTS OF INQUIRY

- ▶ Has the country signed and ratified relevant instruments including the ICCPR, CEDAW, CRPD, ECHR and the Istanbul Convention? Have any reservations been made? What reporting has there been from treaties' monitoring bodies?
- ▶ What is the place of international, legally binding instruments and case law in the national legal order?
- ▶ Does the constitution guarantee equal rights for men and women?
- ▶ Is there a legal act that specifically addresses the equality of women and men?
- ▶ Are there any special legal measures to promote women's political participation? Are they implementable and effective? Is non-compliance addressed effectively?
- ▶ Do any laws relating to elections include provisions that may disadvantage women?
- ▶ Are there any legal gaps and inconsistencies that could lead to the inconsistent interpretation and application of laws from a gender point of view?
- ▶ Is there a body of case law related to the interpretation of gender-related provisions in elections?
- ▶ Have women's groups been consulted on the development of policy and legislation related to elections?

C. ELECTORAL SYSTEMS AND RELATED ELEMENTS

Some electoral systems may meet international standards and democratic principles, in which case a country's choice of electoral system should be respected. In the Porto Ministerial Declaration of 2002, the OSCE Ministerial Council noted that "democratic elections can be conducted under a variety of electoral systems".⁴⁶ According to ECtHR case law, the choice of electoral system is a matter of state discretion.⁴⁷ At the same time, a 2011 UN General Assembly Resolution calls on states to "review the differential impact of their electoral systems on the political participation of women and their representation in elected bodies and to adjust or reform those systems where appropriate".⁴⁸ This provision recognizes the potential impact of the choice of electoral system on women's participation and subsequent representation. ODIHR EOAs should therefore analyse whether the electoral system has been reviewed from the perspective of its gender impact, and whether CSOs representing women's rights were part of the process.

Depending on the type of electoral system in place, EOAs should determine what difficulties and barriers for women may exist and how electoral policies may impact women differently, including women from other under-represented groups. Aspects to consider include: the type of electoral system, thresholds for seat allocation, district magnitude (number of representatives per constituency), types of candidate lists (open or closed) and voting procedures, quotas, and reserved seats. In general, studies show that larger numbers of women tend to be elected under proportional systems than under 'first past the post' majority or plurality systems, or under mixed

46 Ministerial Council, Decision No. 7/02, Porto, *op. cit.*, note 4.

47 According to the ECtHR, the choice of electoral system by which the free expression of the opinion of the people in the choice of the legislature is ensured — whether it be based on proportional representation, the "first-past-the post" system or some other arrangement — is a matter in which the State enjoys a wide margin of appreciation. See *Matthews v. the United Kingdom* [GC], 1999, § 64 <<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58910%22%5D%7D>>, and *Sacco-manno and Others v. Italy*, 2012 <<https://hudoc.echr.coe.int/eng?i=001-110318>>. According to the Venice Commission's Code of Good Practice, Section II.4 a country's choice of electoral system is a matter of national determination; it depends on a country's distinct peculiarities, political and historical context. See also ICCPR General Comment 25 paragraph 21 which states that: "Although the Covenant does not impose any particular electoral system, any system operating in a State party must be compatible with the rights protected by article 25 and must guarantee and give effect to the free expression of the will of the electors".

48 *United Nations Resolution 66/130*, A/RES/66/130, 19 March 2012, <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/466/62/PDF/N1146662.pdf?OpenElement>>.

systems.⁴⁹ However, beyond gender, a state should explore thoroughly the overall advantages and disadvantages of an electoral system in a given context before making changes, and this process should be inclusive and informed.

MAJORITY/PLURALITY SYSTEMS

In comparison to proportional representation systems, it can be more difficult for women to run in single mandate majority/plurality systems. If a man is seen as maximizing the party's chances of winning the single seat up for election in a constituency, then these systems generally provide less incentive for parties to promote women candidates.

It is also argued that in majority/plurality systems the incumbent has a strong advantage due to increased name recognition, often a favourable fund-raising base, and running from an established position of influence. This incumbency advantage can negatively impact women's participation levels, given the traditional dominance of men as office-holders. Men may also have greater access to economic resources in their communities, especially through funding links developed when holding office.

PROPORTIONAL REPRESENTATION SYSTEMS

There are greater opportunities for parties to include women candidates with proportional representation systems, in which parties present lists of candidates. Based on ODIHR's observations, without the pressure of having to win in a 'winner-takes-all' majority/plurality system, parties appear to be more willing to present more diversified candidate lists. Proportional systems are also more conducive to affirmative action measures than majority systems (see below). Proportional representation systems can provide greater opportunities for smaller parties with issue-focused agendas to win seats. In some OSCE participating States, this has led to the emergence of women's parties.

49 See for example, "Differential Impact of Electoral Systems on Female Political Representation", European Parliament Directorate-General for Research, March 1997, <https://www.europarl.europa.eu/workingpapers/femm/w10/1_en.htm>.

ODIHR EOAs need to determine and assess: whether there are any legal requirements for gender diversity on lists; whether parties have internal mechanisms in their statutes or in practice for the inclusion of women on candidate lists; to what extent women are included in the registered electoral lists; and whether women candidates are considered to be in winnable positions on those lists. The system for replacing candidates should also be analysed to see if there are any requirements for maintaining gender balance in case of withdrawals and to see whether court decisions and practice are consistent in this regard.

Types of Lists: A ‘closed’ list system has candidates listed in a fixed order, not subject to alteration by voters. In general, closed list systems are the most advantageous for having more women candidates, provided they are placed sufficiently high up the lists. ‘Open’ list systems allow voters to alter the order of the candidates by ranking or expressing preference for some candidates over others within a party list. In ‘open’ list systems, voters have often been found to favour men, with women candidates ending up in lower positions. However, open lists can sometimes benefit women candidates if support can be mobilized effectively and if these candidates are well-known in their constituencies. The internal regulations and practices of political parties play an important role in ensuring adequate financial and political support for women candidates on electoral lists.

Quotas: There are various types of quotas that can be used, depending on the context and electoral system in place. They are most commonly associated with proportional representative systems with party lists. However they can also be applied in majority/plurality systems, for example through requiring parties to have gender balance in candidates to run for primaries, a nomination committee or whatever system a party has in place for candidate selection.

In proportional representation systems with candidate lists, the chances for women to be elected are greatly enhanced when the law specifies minimum levels of representation of both sexes on each party’s candidate list and requirements related to their positions on the list (placement requirements).⁵⁰ As noted above, CEDAW encourages States to take all appropriate measures to eliminate discrimination and thus to ensure de facto equal participation in political and public life. Quotas are a

50 “New IPU report: more women in parliament and more countries with gender parity”, IPU website, 3 March 2022, <<https://www.ipu.org/news/press-releases/2022-03/new-ipu-report-more-women-in-parliament-and-more-countries-with-gender-parity>> .

form of temporary special measures recognized to be one of the most effective ways to increase women's participation and representation. In keeping with CEDAW's focus on special measures being temporary, it is recommended that quotas are in place until de facto participation improves to equitable levels.

Legislative quotas have the largest impact on the election of women candidates, since they apply to all parties and the law normally provides a basis for enforcement, such as the rejection of party lists that do not comply with quota requirements. However, such quotas may be ineffective if the law does not also specify how men and women candidates must be positioned on the list. A 'zippered' list, in which men and women are evenly alternated, is generally thought to provide the best prospects for women to be elected.

Where a quota requirement exists, observers should note whether provisions are included on how vacancies are filled if a candidate resigns. For example, particularly for closed lists, there could be a requirement that if a woman resigns or otherwise leaves office prematurely, the replacement must be the next available woman on the candidate list. Without such provisions, the effectiveness of a quota can diminish, and this shortcoming can be used strategically, with successful women candidates can be pressured to resign. Therefore, it is important to consider what resignations there have been and how replacements have worked in practice.

Where quota requirements have been used as temporary measures in the past, data and opinions should be analysed and gathered to understand their effectiveness and limitations. This includes looking at whether any improvements have been sustained over time. For example, parties may be continuing with their own voluntary quotas, having chosen to adopt internal policies to promote women as candidates through an internal quota system.

District Magnitude: The term district magnitude refers to the number of candidates elected from a single electoral district. In general, the greater the district magnitude, or the more representatives elected from a single district, the more likely it is that women will be elected.

Thresholds: In proportional systems, thresholds establish a minimum percentage of votes that must be won for a party to participate in seat distribution. The higher the threshold, the more difficult it is for smaller parties to win representation in

parliament. Although there is no international standard regulating threshold levels, in most OSCE countries thresholds do not exceed five per cent. Thresholds at higher levels may result in a high proportion of ‘wasted’ votes (for parties that do not win any seats in parliament). The EOA can see if there are concerns about how thresholds affect the participation of women in particular. For example, small parties with fewer seats may only have men as their leading candidates and in office.

Reserved Seats: Another example of an affirmative action is the creation of ‘reserved’ seats, where a certain number of seats in the legislative body are set aside to be filled exclusively by a particular group, such as women. Such systems, which have been used in a number of OSCE participating States, guarantee a minimum level of representation of women in parliaments. However, this system can be counter-productive by discouraging women from running for non-reserved seats, thereby in effect reducing their opportunity for mainstream participation. Sometimes, women representatives on reserved seats may be considered as not having ‘won’ their mandate through a fully competitive election and may find themselves discriminated against as parliamentarians.

POINTS OF INQUIRY

- ▶ Are there specific concerns about how the type of electoral system and related elements impact on women's participation?
- ▶ Has there been a gender impact assessment of the electoral system?
- ▶ Has there been discussion about possible reform of the electoral system with due consideration given to gender impact and have women's groups been consulted on this?
- ▶ Does the law include, or has it included, any quotas or other temporary measures to promote women being elected? If so, are these regarded as effective? What advantages and disadvantages are they seen to have? Are they properly enforced?
- ▶ What legal measures are in place for dealing with candidate lists that fail to meet legislative requirements in regard to gender? How are such measures managed in practice?
- ▶ How are vacancies filled if a woman withdraws?

D. ELECTION ADMINISTRATION

Election management bodies (EMBs) have a critical role to play in promoting women in elections. This includes: having women within their own leadership and staff; providing publicly available sex-disaggregated data on the composition of the election administration, voters and candidates; enforcing candidate registration procedures including gender quotas or other affirmative actions; consulting with CSOs representing women's rights; providing awareness raising and voter education; and promoting measures that can help increase women's participation as voters and candidates.

In line with international standards, women should be represented in EMB leadership positions.⁵¹ Some countries have laws that require gender balance within the composition of EMB members and staff. In addition to any such requirements, EMBs can have their own public policies on promoting gender parity and regulatory powers to promote and implement special measures to increase women's representation within their structures. The balanced representation of women and men should help promote an EMB's representativeness and credibility. However in many OSCE participating States women are well represented amongst lower level election administration staff, but this is not replicated in middle and higher levels, nor in leadership positions.

An EMB may appoint a focal point or have a department for gender equality or may mainstream gender in its various policies and activities. At a minimum, the EMB should ensure there is sex-disaggregated data on the composition of the election administration, candidates and voters, but ideally also on candidate nominations, candidate withdrawals, voter turnout, accredited observers, agents and media representatives as well as on staff working with the EMB. Research on gender impact conducted by an EMB can further help collect evidence which can be used to develop positive gender policies. EMBs should also consult with CSOs representing women's

51 This is consistent with [Council of Europe Recommendation 2003\(3\)](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805e0848), 12 March 2003, <https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805e0848>, which refers to representation of men and women in all decision-making bodies in political or public life not falling below 40 per cent. Also, paragraph 15 of [CEDAW General Recommendation No. 23: Political and Public Life](https://www.refworld.org/docid/453882a622.html), 1997, A/52/38, <<https://www.refworld.org/docid/453882a622.html> [accessed 1 October 2022]>, stresses the importance of not only removing *de jure* barriers but also achieving *de facto* equality in public and political life.

rights about a wide range of policy and practice issues, not just those identified as gender-related.

EMBs can deliver voter education targeted particularly at women that focuses on women's voting rights and can produce training and specialized information for women aspirants and candidates. This could include, for example, information on measures that can be taken if they face harassment (in person or online) and resources available for women. An EMB may also make special arrangements on election day, providing, for example, easily accessible electoral information for women with low literacy levels. EMBs should include certain gender-responsive components in their training courses for election officials (including polling staff) such as information on preventing and reacting to instances of group or family voting. An EOA should look into these aspects and assess them from the perspective of the respect for women's voting rights.

POINTS OF INQUIRY

- ▶ Is full sex-disaggregated data publicly available from the EMB (e.g., on the composition of the election administration, voters, candidates etc.)?
- ▶ Does the EMB have a gender strategy and associated action plan or any other policy document dealing with gender equality? Is it regularly reviewed and are there mechanisms for accountability, such as a gender focal point?
- ▶ What is the gender composition of the election administration at various levels, including in decision-making roles? Are there any special measures in place to increase women's representation? Are they effectively implemented?
- ▶ How gender sensitive are the EMB's capacity-building and training efforts?
- ▶ Does the EMB regularly consult with women's CSOs? If so, do all issues get covered or just matters related to gender? Does consultation happen at different levels of the EMB (including in the regions)?
- ▶ What regulatory and enforcement powers does the EMB have related to gender? Are sanctions consistently applied for non-compliance (e.g., fines, reduction of state/public funding, non-registration of party lists)? Are they seen as dissuasive?
- ▶ Is there specific training/voter education information targeting women and/or promoting women's electoral participation? Is there any additional voter education on issues related to family/group and proxy voting and women casting their vote without interference or undue influence? Is information on voting available to women with low literacy levels, in different languages and in accessible formats for women with sensory impairments?

E. VOTER REGISTRATION

ODIHR EOAs should collect gender-disaggregated registration data and look at whether there are legal and practical aspects of voter registration that affect women or that may prevent or deter women from registering as voters, as well as any measures taken to promote their inclusive participation. The principles of universal and equal suffrage require that access to voting is on a non-discriminatory basis, including in regard to gender.⁵²

Voter registration may be ‘passive’ or ‘active’.⁵³ In passive registration systems, lists of eligible voters are compiled based on existing population data maintained by one or more government agencies, and voters generally are not required to apply or to confirm their inclusion, but may verify the accuracy of their record.⁵⁴ In active registration systems, voters must apply for inclusion in a national voter register or a regional voter list.

In passive registration systems, it is important to consider the source and quality of population data in determining voter eligibility and the methods by which this data is maintained and updated. Women may be more likely to change their surname after marriage, which could lead to discrepancies between identification documents, which are often required in polling stations, and in their voter records, depending on the extent to which voter and population data is harmonized. Updates to voter records should be easy to make and procedures should be conveyed effectively in voter education produced by EMBs.

In active registration systems, requirements for demonstrating eligibility should be reasonable and registration procedures should be accessible. Undue administrative requirements or fees to obtain personal documents to demonstrate eligibility, or inaccessible in-person sites for registration, may disproportionately impact women.

⁵² CEDAW Article 7, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>>, ICCPR Articles 2, 3 and 25 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>>.

⁵³ In ‘passive’ registration systems, civil authorities compile voter lists automatically based on civil residency and other records, while in ‘active’ registration systems, voters must apply to be on the voter lists.

⁵⁴ Many states with passive registration systems have some active components, such as opting-in to certain alternative voting mechanisms, such as mobile voting or voting abroad, and may permit voters to update their electoral address to a temporary residence within the country.

The number of visits needed to register and verify registration, travel time and distance to offices and related costs, and the hours of operation are all important aspects to consider.

Barriers to voter registration that risk disproportionately affecting women need to be considered. For example, the documents required may be difficult, burdensome or costly to obtain, some documents may be controlled by spouses or other members of the household. Passive voter registration might be verified by checking with a single member of the household, which may de facto result in some women being excluded or unable to register. There may also be bureaucratic barriers due to changes in surnames and addresses after marriage, or other factors such as the need for in-person registration. Women from minority communities, including Roma women, may face particular challenges in registering a legal address and accessing administrative procedures to ensure their inclusion in voter registers.

It is also important that voter education for registration is gender-positive, targeting women, particularly those from disadvantaged groups. Language or literacy barriers can also reduce registration levels, and may disproportionately affect women. Therefore it is important that voter education materials are tailored to reach such women. Similarly, women who are members of minority groups and women with disabilities are more likely to be at risk of marginalization, so specialized voter education for registration is warranted.

In order to assess if women are registered as they should be, sex-disaggregated data is needed. It is good practice for such data to be available by locality in order to enable regional comparisons and identification of any local differences. When assessing the overall proportion of registered voters who are women, it is important to consider the proportion of each gender in the population at large (which may not be exactly 50:50). There may be technologies used at polling stations for voter registration, such as electronic voter registers or voter identification devices, in which case EMBs should endeavour to leverage these technologies to collect and provide sex-disaggregated data on voter participation.

POINTS OF INQUIRY

- ▶ Does the proportion of women and men on the voter list appear to reflect the population at large?
- ▶ What is the source and quality of voter registration data, and how are routine changes requested and maintained (e.g., changes to surname)?
- ▶ Are there districts or regions in which women seem significantly under-represented on the voter lists? If yes, what are the circumstances?
- ▶ Are there systemic shortcomings or obstacles in the voter registration process that are disadvantageous to women?
- ▶ Are registration offices conveniently located and open at convenient times?
- ▶ Is voter education information about registration easily accessible to women (for example, including those with low literacy levels)?
- ▶ Are there any language or literacy barriers that disproportionately affect women's voter registration and how are they addressed by the authorities?
- ▶ Are there cultural traditions that tend to inhibit the registration or participation of women? Are the authorities taking any measures to overcome them?
- ▶ Do the authorities, political parties, media and civil society actively engage in voter registration education activities targeting women?

F. CANDIDATE NOMINATION AND REGISTRATION

The right and opportunity to stand for elections should be provided without discrimination in regard to gender.⁵⁵ With the exception of independent candidates, women aspiring to elected office are dependent on political parties for nomination and support during campaigning and in office. To a great extent, political parties determine if and when women will become players in the political arena, and to what degree. Therefore, it is important for EOAs to assess whether parties are providing opportunities for women, and whether women are in party leadership positions and are put forward to run as candidates.

Sometimes the legal framework will require parties to nominate a minimum proportion of women candidates and to have policies on women's participation within the party and its decision-making structures, sometimes tied to the receipt of public funding or certain subsidies. Typically, parties have wide latitude to determine their internal structures and procedures.⁵⁶ In general, the more a party follows democratic principles and transparent practices in its internal procedures — which is even more important when the party is receiving public funds — the more opportunities should be available for women to run as candidates and, in turn, for issues of special concern to women to emerge as serious campaign issues. Too often, however, internal party procedures lack such transparency or accountability.

Some evidence suggests that women are more likely to be put forward by parties with decentralized nomination procedures than by parties where there is strong central control.⁵⁷ Sometimes parties establish dedicated women's wings, branches or caucuses. These may be effective, for example, in identifying issues, developing party policies that are most salient to women voters, and integrating them into party manifestos. Efforts should be made to empower these structures sufficiently to avoid the risk of isolating women and marginalizing their importance within the party.

55 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (*Copenhagen Document*), OCSE, 29 June 1990, para. 7.5, Article 14, <<https://www.osce.org/odihr/elections/14304>>; ECtHR decision in the case *Staatkundig Gereformeerde Partij v. the Netherlands* <<https://hudoc.echr.coe.int/>>.

56 Although not required by law, it is recognized as good practice that the internal functions of political parties should respect the principles of non-discrimination and equality. See “Joint Guidelines on Political Party Regulation”, *op.cit.*, note 44, para. 175.

57 “*Handbook on Promoting Women's Participation in Political Parties*”, ODIHR, 7 July 2014, <<https://www.osce.org/odihr/120877>>.

Beyond the number of women a party puts forward as candidates, it is important to consider if they are running in ‘winnable’ constituencies or positions on party candidate lists. Parties may initially nominate a balanced list, but this can change with women’s withdrawals or resignations before or after election day. This has sometimes been used strategically, for example, with parties requiring candidates to submit pre-signed letters of resignation before being put on a list. EOAs should assess the existence of such practices and whether they are promptly investigated. In countries with preferential voting systems, in some instances parties may not give women candidates the same level of support on offer to their men candidates on the lists. In other cases, parties may encourage supporters to cast preference votes for men lower on the lists.

Candidate registration requirements that involve a high number of support signatures, a substantial monetary deposit, an educational qualification or party affiliation can disproportionately affect women. This is particularly the case in places where there is a significant pay gap between women and men. The UN Human Rights Committee has noted that “persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation”.⁵⁸ Any special measures in this regard (e.g., a reduced signature requirement for women candidates) should be assessed for their de facto effectiveness. ODIHR EOAs can also try to track any gender disparity in the proportion of nominated candidates rejected for candidacy by the authorities. They may also try to look at how political parties assist aspirants, for example, with signature collection or monetary deposits.

58 [UN General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service \(Article 25\)](https://www.osce.org/odihr/elections/19154), OSCE, 12 July 1996, para. 15, <<https://www.osce.org/odihr/elections/19154>> .

POINTS OF INQUIRY

- ▶ Are parties required by law or by any other regulatory framework to have women in leadership positions or to have policies on women's participation within the party?
- ▶ Are the sanctions for non-compliance with requirements for parties related to candidacy and gender enforced? Are the sanctions effective?
- ▶ Is information on women in political parties and party policies on women's political participation centrally collected?
- ▶ Do parties have sex-disaggregated data on women in their party? Is this regularly updated? What proportion of party leaders and members are women?
- ▶ Do parties have women's wings, 'caucuses' or branches? How effective are they in promoting women candidates?
- ▶ What are party practices for candidate selection and do these appear to advantage or disadvantage potential women candidates? Have parties adopted voluntary quotas to promote women as candidates?
- ▶ Are there any special measures in place encouraging women to stand?
- ▶ Do the nomination requirements disproportionately impact on women (e.g., educational, signature or financial requirements)? Do these requirements appear to deter women from standing as candidates?
- ▶ Are women's nominations rejected more often than men's? What are the reasons for rejections?
- ▶ How many women are running as candidates and are they thought to be in winnable constituencies/places on lists?

- ▶ Are there any parties that didn't nominate any women, or that nominated substantially fewer women than men? If legal gender quotas are in place, were they respected and enforced?
- ▶ Are there any constituencies with no women running?
- ▶ What is the proportion of women amongst independent candidates?
- ▶ Are there any capacity-building/training programmes or any other measures taken to support women running as candidates?
- ▶ Are women candidates withdrawing in greater numbers than men candidates before or after election day? What are the reasons given? What is the legal procedure for replacing women candidates who withdraw (e.g., is the spot on the list replaced with a woman? If already allocated is the seat allocated to the next candidate on the party list, or to the next woman candidate on the list?)
- ▶ What is the success rate of women and men candidates in getting elected?

G. THE CAMPAIGN

Legal and regulatory campaign frameworks may include special measures to support women's participation. These can include additional financial resources and/or media airtime for women candidates or for parties that field higher proportions of women candidates. In addition, there could be requirements for parties to have strategies on how they support women as candidates and how they help women voters to make informed decisions.

Parties may also have their own voluntary policies and strategies for promoting women's participation. These may include additional support to women candidates, engaging with women voters, and having women represent the party at campaign events and in the media. In addition to such policies, EOAs should observe whether women are effectively represented at rallies — as participants and as speakers, particularly at larger landmark events — and whether parties put forward women for media interviews including on higher-profile programmes. Where they are a part of the EOA, long-term observers will take particular note of the presence and role of women in campaign events, the way in which the messages are targeted for women voters, and the use of gendered or sexist rhetoric by the speakers or attendees.

The ability of women candidates to campaign effectively can depend on practical support and the financing they receive from parties as well as the visible backing they get from party leadership. It can be particularly difficult for women in countries where candidates are expected to fund their own campaigns and also contribute to a party's budget. It is important that the EOAs meet with women candidates — not just with the nominating parties — to hear first-hand the specific challenges they face and how they are supported in their campaign.

ODIHR EOAs can also look at whether campaign information is made accessible for women, or if women voters face difficulties in attending campaign events so that they can make informed decisions on who to vote for. For example, it may be more difficult for women to attend campaigns if there are high financial costs or if events aren't child-friendly. Access to information can be increased by broadcasting campaign slots on radio and TV at times women may be more likely to listen and watch. It is also helpful to having campaign materials available in minority languages and in easy-to-read formats for women with reduced levels of literacy. In some cultures,

door-to-door campaigning may make it more difficult for women to ask questions and engage, while in other contexts it may increase access.

Observers may gather views on the respective commitments of parties to women voters and review manifestos. For example, they can look into whether manifestos address women's unemployment or underemployment, pay gaps, unregulated workers in the grey economy, family planning and reproductive health, education, social services, violence against women, family subsidies, and accessible childcare. The relations of political parties with women's rights groups can also be an indicator of their engagement with and commitment to advancing women's interests.

Women may be disproportionately deterred from attending rallies or other campaign events in an environment of conflict and violence. Election-related violence should be looked at from a broad perspective, including intimidation, pressure and fear of retribution.⁵⁹ Any incidents should be condemned, including by high officials and party leaders, and promptly investigated. EOAs should report on any mechanisms to deter such practices.

The detrimental effects of negative campaigning and rhetoric can be particularly pronounced for women candidates. For example, commentary can be gendered by focusing on women candidates' appearances or other personal traits rather than the substance of their platform or professional standing. Given the reduced costs involved, social networks can provide excellent campaign opportunities. However, navigating social networks may require additional technological expertise and digital communication skills and can increase the risk of negative rhetoric.

Cyberviolence against women candidates can take different forms, including harassment, bullying, mobbing, posting of intimate visual material without consent, posting and sharing violent content, death threats, and the use of sexual or insulting comments and derogatory/altered images or videos (e.g., deep-fakes).⁶⁰ Aggressive and intimidating acts like these affect women's dignity and can also prevent women candidates from freely expressing their views. Therefore, it is important for ODIHR

59 See Copenhagen Document, *op.cit.*, note 55, paragraph 7.7.

60 Ministerial Council Decision No. 4/18, *op.cit.*, note 12, calls on participating States to "encourage all relevant actors... to contribute to preventing and combating all forms of violence against women, including those engaged in professional activities with public exposure and/or in the interest of society".

EOAs, through monitoring the campaign online and meeting candidates, to identify if such incidents are happening, to see how many complaints have been lodged with law enforcement agencies, and to understand what actions are being taken to mitigate such activities and how violations are dealt with by the authorities and social networks.⁶¹

Hate speech commonly refers to forms of expression that are motivated by, demonstrate, or encourage hostility towards a group or an individual because of their membership of that group.⁶² In countering such rhetoric, the authorities must balance freedom of expression against the protection of other rights, allowing the legitimate airing of sometimes objectionable opinions and views. Imposing restrictions on freedom of expression is generally discouraged in a democratic society. However, proportional responses may be warranted for provocative statements during an election that potentially put women candidates' lives in danger.⁶³ EOAs can also look at the responses to derogatory language and intolerant rhetoric against women. For example, does the party leadership and media challenge such cases and does civil society monitor the issue?

61 [Recommendation CM/Rec\(2019\)1 on preventing and combating sexism](https://rm.coe.int/cm-rec-2019-1e-sexism/1680a217ca), CoE, 27 March 2019, <<https://rm.coe.int/cm-rec-2019-1e-sexism/1680a217ca>>.

62 There is no international definition of hate speech. However, some elements can be found in universal instruments, such as: ICCPR article 19 on freedom of opinion and expression, *op.cit.*, note 52. Also ICCPR article 20, which states “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”. Article 4 of the International Convention on the Elimination of Racial Discrimination in which states party to the treaty “shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof”.

63 In the *Lopes Gomes da Silva v. Portugal*, ECtHR, 28 December 2000, <<https://hudoc.echr.coe.int/>> case, the ECtHR reiterated that “[f]reedom of expression constitutes one of the essential foundations of a democratic society” and that it was “applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb”. It noted further that “the limits of acceptable criticism ... are wider with regard to a politician acting in his public capacity”, who “inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large”.

POINTS OF INQUIRY

- ▶ Are any measures taken by the state to support campaigning by women candidates?
- ▶ To what extent do party platforms address women's political participation and issues of particular interest to women? Do campaign platforms cover gender issues and 'women's issues'? What is the campaign rhetoric surrounding gender and women?
- ▶ What kind of support do parties give to women candidates? Financial support? Training on how to campaign effectively? Visible backing from the party leadership? Other types of support?
- ▶ Do parties promote women in their public engagement, for example in media discussions, at rallies and on campaign materials?
- ▶ Are women voters able to access campaign information and activities fully so that they can make informed choices? Do women voters feel safe to attend campaign events/rallies?
- ▶ How do women campaign (e.g., through rallies, television, door-to-door, internet etc.) and is this different to men candidates? Do women candidates face any additional challenges?
- ▶ Are women candidates subject to online harassment and violence? Does the legal and regulatory framework address online problems and violations? Do social networks and regulatory bodies take proactive measures to address any problems?

H. CAMPAIGN FINANCING

Analysis by EOAs should primarily focus on how the campaign finance legal framework enhances the transparency and integrity of the electoral process as well as whether it promotes a level playing field for contestants that puts women candidates in a *de jure* and *de facto* equitable position.

Throughout the OSCE region, there are examples of public funding for political parties being made conditional in part on the promotion of gender equality during elections and, at times, within the party. This may be through incentives — with additional public funding for parties with a certain percentage of women candidates — or, conversely, through funding reductions when parties do not include a sufficient proportion of women candidates. Public funds can also be earmarked for specific campaign activities related to promoting gender equality. Other measures may include tax-relief provisions and free childcare, or a central accessibility fund to facilitate the participation of women with disabilities who may face additional costs when running for office.

Without public funding, the burden falls on financial support from a party and candidates' personal wealth and fundraising capacities. This can be especially disadvantageous to women, who usually have less money and weaker initial support networks. In general, women tend not to be as well integrated into the commercial, occupational and social networks that typically serve as major sources of campaign funds, in both national and local politics.⁶⁴ Other social factors, such as level of education, dominant language skills, age and family status, can also disproportionately affect the ability of women candidates to acquire funds during electoral campaigns.

Parties can also apply internal policies that would not disadvantage people with limited access to campaign financing during candidate selection and nomination. This is particularly important for women as they often have lower economic standing and access to resources than men. Parties can increase their financial support for women candidates' campaigns and also give extra funding, above the amounts received by male counterparts. This may be warranted to give women the *de facto* equal opportunity to run a viable campaign and secure electoral success. Parties can

64 Julie Ballington, "Gender Equality in Political Party Funding", International IDEA, 16 December 2003, <<https://www.idea.int/news-media/media/gender-equality-political-party-funding>>.

also organize training on fundraising and campaign finance for women candidates, particularly those participating for the first time. Transparent party procedures can show whether the distribution of campaign resources is equitable and/or helps create a more level playing field for women candidates.

It can be particularly beneficial for women candidates if a ceiling is placed on the campaign expenses of all candidates to promote a more level playing field, given that they often have less access to funding.⁶⁵ Without such limitations, wealthy (usually male) candidates, can spend large amounts of money, making it more difficult for women to compete. However for this to be effective, it needs to be efficiently enforced.

It is helpful if campaign finance reports submitted to and prepared by oversight bodies can provide sex-disaggregated information so that the extent of any financial disadvantages faced by women can be seen. This information can show the support given by parties, the level of funds raised by women candidates, parties' strengths and weaknesses in supporting women candidates and the on-going need for additional support to women candidates as well as whether certain improvements are advisable.

65 [General Comment No. 25 to Article 25 of the ICCPR](https://www.refworld.org/docid/453883fc22.html), HN HRC, 12 July 1996, CCPR/C/21/Rev. 1/Add.7, <<https://www.refworld.org/docid/453883fc22.html>>, provides for reasonable limitations on campaign expenditures “where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by disproportionate expenditure on behalf of any candidate or party.” See also “Joint Guidelines on Political Party Regulation”, *op.cit.*, note 44, paragraph 196.

POINTS OF INQUIRY

- ▶ If public campaign financing is provided, are there any requirements for the promotion of women and gender equality? Are there any eligibility requirements for receiving public funding that may be difficult for women to meet? Have other measures been introduced by the state that particularly benefit women candidates?
- ▶ Is any sex-disaggregated data available on funding and expenditure of men and women candidates? If so, is this monitored by any state body or other organization? Do women candidates receive and spend comparable amounts to male candidates? What explains the difference?
- ▶ Do women appear to have more difficulties than men in raising funds for campaigning (including independent candidates)?
- ▶ Have political parties adopted any internal measures to support financing for women candidates?
- ▶ Have political parties introduced fair and transparent procedures for the equitable allocation of public or party financing to candidates (women and men)? Does this include the allocation of indirect public or party funding, such as access to airtime and media sources, or the use of party premises or resources for campaigning?
- ▶ Is there a ceiling on campaign expenditure by candidates? Is it effectively enforced? How does this affect women and men candidates?

I. MEDIA

OSCE commitments on elections require access to the media on a non-discriminatory basis for all political groups and individuals wishing to participate in the electoral process.⁶⁶ Temporary special measures, as referred to in CEDAW, could include additional media airtime for women candidates or the provision of targets or guarantees of equitable coverage. International instruments refer to state media having a duty to cover candidates and their manifestos in an equal and impartial manner, regardless of their gender.⁶⁷

The analysis of women and the media during an election involves looking at several different elements. These include identifying any legal requirements or voluntary measures for the media to promote women's political participation, monitoring the proportion and nature of coverage women candidates receive relative to men, and the inclusion of women as commentators on political and electoral issues, as well as the experiences of women journalists covering election campaigns and politicians. In addition to ODIHR's own monitoring, EOAs should establish if there is monitoring by regulatory bodies or civil society of women's access to and coverage in the media.

A number of issues related to the under-representation of women in the media have arisen repeatedly in different countries. Women candidates may receive less coverage of their political positions on policies and more on their personal characteristics and appearance than their male counterparts. Women candidates can face stereotyping; portrayed in their traditional roles as wives and mothers. They may only be asked about 'women's issues' rather than seen as worthy of authoritative commentary on a range of subjects.⁶⁸ The under-representation of women in media coverage is often attributed by the media to parties or other entities not putting forward women for interviews and a lower number of women candidates. However, women's rights groups often maintain that media outlets need to be more vigilant

66 Copenhagen Document, *op. cit.*, note 55, para. 7.8, provides that states must ensure equal access and fair treatment of election contestants on all programming by state media.

67 See also [Committee of Ministers Recommendation \(2013\)1 on gender equality and media](https://go.coe.int/OWWun), Council of Europe, accessed 3 October 2022, Guidelines A1, B4, <<https://go.coe.int/OWWun>>.

68 A Council of Europe study on gender equality and elections, "[Media, Elections and Gender](#)", CoE DGI(2017)10, April 2018, <<https://rm.coe.int/gender-equality-and-elections-/16807coe23>> shows that "women's presence significantly lags behind in the coverage of politics and that topics considered as "hard news" continue to be associated with men and perceived as such by public opinion and voters".

in insisting on gender balance. Therefore, ODIHR EOAs can look at whether media outlets cultivate public acceptance of women as a normal feature of political life, and whether they present women in a manner that promotes confidence in their capacity as political leaders.

Media analysts qualitatively assess gender issues against OSCE and other international commitments and can also quantitatively analyse women's coverage through media monitoring. This allows analysis of the volume of coverage women candidates have received compared to men, the difference in tone and the reasons for this. Media monitoring can also be used to assess whether women are less likely to appear as guests and commentators on key political programmes. Media analysts may also be able to see how much voter education efforts are directed at women and identify instances of intimidating rhetoric targeting women journalists, including by politicians.

POINTS OF INQUIRY

- ▶ Are there legal requirements relating to women's coverage in the media (in general or specifically during an election)? If so, is there an effective enforcement mechanism?
- ▶ Do any publicly-funded or private media outlets have policies regarding the promotion of women in general or for elections in particular? Are they properly implemented?
- ▶ Are there any additional special measures provided (e.g., additional airtime/space for women candidates)?
- ▶ Do media outlets/print media appear to perpetuate traditional stereotypical images, with a focus on looks and women's domestic role as wives and mothers?
- ▶ Are there male candidates/political party leaders or any other stakeholders (such as journalists) using sexist comments and stereotyping when talking about women candidates during debates?
- ▶ Is there any monitoring by regulatory bodies or civil society of women's access to and coverage in the media?
- ▶ Is sex-disaggregated data publicly available (e.g., on the proportion of media coverage for men and women candidates)? Is there any analysis of the visibility and portrayal of women in the media (particularly in national news and current affairs programmes)?
- ▶ Do women candidates receive comparable quantity and quality of coverage to men of similar political standing?
- ▶ Do media outlets show gender balance in their selection of interviewees and panellists commenting on the election process? What steps are being taken to promote such gender balance?

- ▶ Is any political advertising directed specifically at women voters? What issues do they focus on?
- ▶ Are any voter education or voter information efforts targeted specifically at women? What is the content of these messages?
- ▶ How do women candidates feel treated by the media? Do they feel they experience unfair coverage?

J. ELECTION DISPUTE RESOLUTION

The legal framework should provide for the principle of equality before the law, including equal access to EDR, irrespective of gender.⁶⁹ However, women are often disadvantaged in practice. Sometimes, women lack sufficient knowledge about their rights and may be disadvantaged by having less financial resources available to pay for a legal petition. For example, procedures for filing complaints or appeals that require travel or the payment of filing fees may pose a greater barrier for women in societies where women have less financial resources or face significant income inequalities. Therefore, accessibility to EDR and state policies around legal assistance may be assessed by ODIHR observers.⁷⁰

ODIHR EOAs may consider whether EDR processes are equally responsive and effective for women petitioners as they are for men. They can also assess whether prosecutions (ex-officio or initiated following a complaint) happen when electoral offences have been committed, and whether there is any disparity in how they are dealt with. It is worth looking also at the composition of the bodies hearing EDR cases from the perspective gender balance. Sex-disaggregated data on complainants can give some indication of how accessible the EDR system is for men and women.

ODIHR EOAs should pay attention to any complaints about unequal treatment of women. Examples include a breach of gender quotas for candidate lists, inequality in the election administration, unequal access to campaign opportunities, and intimidation or reduced media access. The institution's response should be assessed to see if EDR mechanisms are providing meaningful remedy and corrective actions on an equal basis. ODIHR EOAs should assess whether such complaints are handled in the same manner as other non-gender related complaints and appeals. They can also take note of reasons given for why women chose not to file official complaints.

69 Article 26 of the ICCPR states that “All persons are equal before the law and are entitled without discrimination to the equal protection of the law”, *op. cit.*, note 52.

70 See also “[Handbook for the Observation of Election Dispute Resolution](https://www.osce.org/odihr/elections/429566)”, OSCE/ODIHR, 17 September 2019, Section 5.A, <<https://www.osce.org/odihr/elections/429566>> .

POINTS OF INQUIRY

- ▶ Are there any legal or practical obstacles for women in accessing justice in general and EDR in particular?
- ▶ Are EDR processes seen as equally responsive and effective for women petitioners?
- ▶ Within the election context, are there recent or current EDR cases involving the unequal treatment of women? If so, what were the central issues? If a case has already been resolved, what was the outcome?
- ▶ Is the body that hears complaints gender balanced?
- ▶ Is sex-disaggregated data available on complaints and appeals?
- ▶ Have any concerns been voiced about the unequal treatment of women in the EDR process? If so, were complaints and petitions filed? If not, then why not?

K. ELECTION DAY

Any barriers to participation on election day can particularly affect women's ability to vote and should be reported by an EOA. For example, long distances to polling stations can be more of a barrier to women if they have childcare or other care responsibilities, are pregnant and/or are in poorer socio-economic situations. Similarly, having to queue for a long time to vote may make it more difficult for women to join in. Intimidating or violent environments can particularly deter women from going to polling stations. Likewise, very large crowds or chaotic environments may discourage women in particular from voting. Requirements for voter identification can disproportionately burden women, and in particular women from disadvantaged groups. For example, Roma and Sinti women may be more affected due to lack of civil registration. Sex-disaggregated voter turnout data is needed to see the impact of these issues. This also needs to be broken down geographically so that problems in specific areas can be identified.

Paragraph 7.4 of the Copenhagen Document commits States to “ensure that votes are cast by secret ballot or by equivalent free voting procedure”. A frequent abuse of secrecy is ‘family’ or ‘group’ voting, which is still a relatively common practice in some OSCE participating States. This involves two or more people entering the same booth and either marking their ballots together. Or the head of the family, usually a man, casts the ballots on behalf of the others. These practices are often more common in rural, less-educated areas and generally disadvantage women in particular. Proxy voting, when one person presents documents for another person and votes on their behalf, is legally regulated in some states, but data on its implementation has at times demonstrated gender disparities. Open voting, in which ballot marking is outside polling booths in plain sight of others also compromises the secrecy of the vote and may particularly hinder women from making their own choices. Another area of concern can be if a questionably high number of women request assistance to vote.

Many countries have provisions for alternative voting methods (AVMs) that are intended to facilitate voting or to make voting available to citizens who, for whatever reason, may not be able to visit the polling station in person. AVMs can include mobile voting, postal or electronic voting.⁷¹ When introducing and using such

71 See also, “[Alternative Voting Methods and Arrangements](https://www.osce.org/odihr/elections/466794)”, OSCE/ODIHR, 12 October 2020, <<https://www.osce.org/odihr/elections/466794>>.

mechanisms, legal and procedural safeguards must be in place and there needs to be confidence in the measures. A gender impact assessment should ideally be run to see whether there are particular issues around women's use of AVMs; specifically, to see if they are disadvantaged and what measures are needed to promote equal and legitimate use of AVMs by women, such as additional safeguards and education. Thorough investigation of cases of misuse of AVMs and an assessment of how those methods particularly affected women voters can contribute to greater confidence in electoral processes. A balance needs to be struck between making voting more accessible and ensuring the integrity of the process.

POINTS OF INQUIRY

- ▶ Is sex-disaggregated data from polling day publicly available — on the number of men and women registered voters, agents, observers, and voter turnout?
- ▶ Is the polling process accessible for women? Are any extra measures taken to help women to vote?
- ▶ Is the distance to polling stations reasonable? Are there long queues at the polling stations?
- ▶ Is the secrecy of the ballot defined in legislation/regulations? Are there problems with the secrecy of the ballot that disproportionately affect women? Is family/group/proxy voting prohibited? Are there problems with family/group/proxy voting that affect women?
- ▶ What is the proportion of women among polling staff, citizen observers and party/candidate proxies?
- ▶ Is information about voting procedures easily accessible for women?
- ▶ Are there AVMs such as mobile, postal or electronic voting? If so, do these methods pose particular challenges to women voters (e.g., does postal voting include secrecy safeguards and do women have access to information on these mechanisms on an equal basis with men)? Are there sufficient legal and procedural safeguards for the use of AVMs to reduce opportunities for misuse? Has there been a gender-impact review of AVMs?



CHAPTER 3. VIOLENCE AGAINST WOMEN IN ELECTIONS

There is increasing awareness of the violence women may face as participants in electoral processes and a growing recognition that acts of VAWE are typically under-reported. In her 2018 report to the UN General Assembly, the UN Special Rapporteur on Violence against Women, stated “Men and women can both experience violence in politics. Such acts of violence against women, however, target them because of their gender and take gender-based forms, such as sexist threats or sexual harassment and violence. Their aim is to discourage women from being politically active and exercising their human rights and to influence, restrict or prevent the political participation of individual women and women as a group... Such violence, including in and beyond elections, consists of any act of gender-based violence, or threats of such acts, that results in, or is likely to result in, physical, sexual or psychological harm or suffering and is directed against a woman in politics because she is a woman, or affects women disproportionately”.⁷² UN Women has a similar definition which notes that violence against women in political life “can be perpetrated by a family member, community member and/or by the State”.⁷³

72 UN Special Rapporteur on Violence against Women, statement to the General Assembly, 5 October 2018, <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/SR_VAW_GA73_2018.pdf>.

73 More broadly, UN WOMEN defines violence against women in political life as “any act of, or threat of, gender-based violence, resulting in physical, sexual, psychological harm or suffering to women, that prevents them from exercising and realizing their political rights, whether in public or private spaces, including the right to vote and hold public office, to vote in secret and to freely campaign, to associate and assemble, and to enjoy freedom of opinion and expression.” See “[Preventing violence against women in elections: A programming guide](https://www.unwomen.org/en/digital-library/publications/2017/11/preventing-violence-against-women-in-elections)”, UN Women & UNDP, 2017, <<https://www.unwomen.org/en/digital-library/publications/2017/11/preventing-violence-against-women-in-elections>>.

The range of people who can be targeted include elected or other political representatives, candidates, political campaigners, party members, voters, electoral staff, election observers and media representatives as well as the family members or associates of those targeted. Psychological violence includes actions intended to intimidate or humiliate and can be very subtle and hard to identify. Sexual violence includes non-consensual acts, and unwanted advances or comments in public or private settings. Cases of online intimidation of women are increasingly prevalent, and can have a disproportionate impact, especially if women are already intimidated; afraid to take part physically in electoral or political events.⁷⁴ This can include *inter alia* threats, hate speech, disinformation, exposure of private data and impersonation resulting in fear, humiliation and/or reputational harm.

As the UN Human Rights Committee has noted, “Persons entitled to vote must be free to vote for any candidate for election and for or against any proposal submitted to referendum or plebiscite, and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector’s will”.⁷⁵ Threats and violence can make it difficult for people to form and express their political opinions and to become involved in political parties and elections.⁷⁶ As well as compromising individuals’ human rights, this can distort the democratic process overall.

It can be difficult to obtain data on VAWE because it can involve subtle actions in private space and there may be a reluctance to report. UN Women and the UN Development Programme (UNDP) have noted that “research suggests that VAWE is widespread across countries and regions of the world”.⁷⁷ A 2016 Inter-Parliamentary Union study shows that 81.8 per cent of women respondents (parliamentarians) reported psychological violence, of which 44.6 per cent were threats of rape, beatings or abductions as well as death threats.⁷⁸ The study established that social networks

74 “Violence Against Women in Elections Online: A Social Media Analysis Tool”, IFES and the National Democratic Institute, 30 September 2019, <<https://www.ifes.org/publications/violence-against-women-elections-online-social-media-analysis-tool>>.

75 ICCPR, Human Rights Committee, General Comment 25, *op. cit.*, note 52, para. 19.

76 “No Party to Violence: Analyzing Violence Against Women in Political Parties” NDI, 19 March 2018, <<https://www.ndi.org/publications/no-party-violence-analyzing-violence-against-women-political-parties>>.

77 “Preventing violence against women in elections”, *op. cit.*, note 74, page 7.

78 “Sexism, Harassment and Violence Against Women Parliamentarians”, Inter-Parliamentary Union (IPU), October 2016, <<http://archive.ipu.org/pdf/publications/issuesbrief-e.pdf>>.

“have become the number one place in which psychological violence – particularly in the form of sexist and misogynistic remarks, humiliating images, mobbing, intimidation and threats – is perpetrated against women parliamentarians”.⁷⁹

The OSCE Representative on Freedom of the Media has noted “Journalists are regular targets of online attacks and women journalists face a double-burden; attacked as journalists and as women. Threats of rape, physical violence and graphic imagery show up in their inboxes and on their social networks as they go about their work. In extreme cases these attacks lead to self-censorship or worse: women retreating from the public sphere, leaving the male-dominated field of journalism with even fewer women voices”.⁸⁰ Likewise, as mentioned above, a recent OSCE Ministerial Council Decision highlights “the crucial role of journalists in covering elections” and “the distinct risks faced by women journalists in relation to their work, including through digital technologies”.⁸¹ Such threats can have an electoral impact, leaving women journalists, further marginalized from the process with the risk of knock-on effects on women candidates and voters.

Any type of conflict may increase the risk of violence during the electoral process with potentially disproportionate consequences for the willingness and ability of women to participate. In such situations, extra measures may be warranted to promote women’s awareness of electoral participation and to enable women to take part safely in elections. These measures can include opening additional polling stations to reduce travel time and risk and gender-balanced security personnel and polling staff. Women candidates may also need additional safeguards to be able to campaign in risky places. This is in keeping with the aims of UN Security Council resolution 1325 on Women, Peace and Security.

EOAs should look at the legal framework on gender equality and violence against women, and establish whether it is being properly enforced and whether prompt

79 A 2018 IPU-PACE study (<https://www.ipu.org/resources/publications/issue-briefs/2018-10/sexism-harassment-and-violence-against-women-in-parliaments-in-europe>), also noted that women members of parliaments in Europe are particular targets of online attacks as 58.2 per cent of those interviewed had experienced abusive, sexual or violent content and behaviour on social networks. See also, “Parliaments free of sexism and sexual harassment” information brochure, PACE, 27 November 2019, <<https://pace.coe.int/en/news/7702/parliaments-free-of-sexism-and-sexual-harassment>>.

80 “Safety of Female Journalists Online”, OSCE webpage, accessed 3 October 2022, <<https://www.osce.org/fom/safety-female-journalists-online>>.

81 Ministerial Council Decision No. 3/18, *op. cit.*, note 13.

legal remedies are available. They should also look at whether electoral officials, security personnel and judges have received proper training on how to address VAWE. EOAs can assess whether there is any upstream work being done by the authorities and political parties to prevent and address VAWE and to counter online threats and other forms of cyber-violence. They should examine also whether EMBs have proactive plans to address VAWE, such as specific voter education, work with community leaders, and whether they conduct reviews through lessons learned exercises. EOAs must also consider the challenge of how properly to assess VAWE given its subtle forms and the lack of available data.

POINTS OF INQUIRY

- ▶ Is there a definition of gender-based violence in the law and does it cover political participation?
- ▶ Are there sufficient legislative provisions to counter VAWE and do these appear to be enforced? Are there prompt legal remedies in place?
- ▶ Are any other proactive measures being taken to address VAWE? If so, by whom, and are they regarded as effective?
- ▶ Do any of the cases of violence or intimidation in the elections, including on election day, appear to target women in particular?
- ▶ Do women's groups report problems with VAWE? Are civil society organizations active on the issue?
- ▶ Do women have mechanisms to report VAWE safely (to the authorities, hotlines etc.)?
- ▶ Is sex-disaggregated data available on election-related violence? Are there concerns that there is an under-reporting of VAWE?
- ▶ Is there training for security personnel and law enforcement on VAWE?
- ▶ Are there any public information campaigns that address the right of women to participate peacefully in elections, free from intimidation or violence?
- ▶ Do political parties have any policies on reducing and eliminating VAWE within parties and/or more broadly?
- ▶ Are there conflicts in the country that appear to hinder women's participation in elections?

- ▶ Does the election administration make provisions for and train its staff to mitigate or report VAWE?
- ▶ Is there any media coverage of VAWE? Does this reinforce or address the issue?
- ▶ Are women journalists particularly subject to threats or harassment (including online)?
- ▶ Is any monitoring being undertaken of online VAWE?
- ▶ Have the authorities or social network companies taken action to prevent or deal with online violence against women?
- ▶ Are perpetrators of VAWE subject to investigation and prosecution? Is there training for judges and prosecutors?



CHAPTER 4. PARTICIPATION OF UNDER-REPRESENTED GROUPS

Inclusion and non-discrimination are cross-cutting human rights that should underpin the exercise of other rights. Women with disabilities, young women, and women from national minority communities, including Roma and Sinti, as well as internally displaced women face particular challenges with political participation, including in electoral processes. These groups of women often encounter multiple forms of discrimination and difficulties that can leave them at even higher risk of exclusion and under-representation. Similarly, issues related to gender identity and sexual diversity are increasingly raised in relation to difficulties with electoral participation.

The Committee on the Rights of Persons with Disabilities have noted: “The voices of women and girls with disabilities have historically been silenced and thus women and girls with disabilities are disproportionately under-represented in public decision making”.⁸² They also stated “There is strong evidence to show that women and girls with disabilities face barriers in most areas of life. These barriers create situations of multiple and intersecting forms of discrimination against women and girls with disabilities, in particular with regard to: equal access to education, economic opportunities, social interaction and justice, equal recognition before the law and the ability to participate in politics and to exercise control over their own lives across a range of contexts...”

82 [Committee on the Rights of Persons with Disabilities](https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no3-article-6-women-and-girls), General Comment 3, UN CRPD/C/GC3, 25 November 2016, <<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no3-article-6-women-and-girls>> .

Concerns have been raised about declining youth participation in elections and these dynamics could particularly impact on young women and further reduce their representation in elected positions.⁸³ In addition to broader political dynamics, declines are sometimes explained by a lack of targeted awareness-raising, the absence of policies and/or supportive measures to promote young people within political parties and onto candidate lists, the limited possibility to participate in election administration, and voter registration regulations that disproportionately discourage young voters. However, digital communication technologies have had a positive effect in promoting networking and mobilization, given how extensively they are used by young people. While there is no dedicated international treaty related to the rights of young people, the importance of their inclusion is increasingly recognized as part of the “leave no one behind” SDG agenda and for promoting democratic engagement.

The involvement of national minorities in public life is an important part of integration and contributes to the prevention of potential conflicts. It is recognized in a series of international human rights standards.⁸⁴ However, as elaborated in other ODIHR publications, people from national minorities, including Roma and Sinti, often face disadvantages in regards to electoral participation.⁸⁵ These can include language difficulties, reduced access to the media, disadvantageous electoral systems

- 83 According to Inter-Parliamentary Union [report on Youth Participation in National Parliaments from 2016](https://www.ipu.org/resources/publications/reports/2016-07/youth-participation-in-national-parliaments-2016) <<https://www.ipu.org/resources/publications/reports/2016-07/youth-participation-in-national-parliaments-2016>>, young people under 30 make up less than 2 per cent of the world’s MPs. See also 2007 [OSCE Madrid Youth Declaration](#). See also the results of a [2019 survey on record turnout driven by young voters in European Parliament elections](#) <<https://www.europarl.europa.eu/news/en/press-room/20190923IPR61602/2019-european-elections-record-turnout-driven-by-young-people>> .
- 84 [Copenhagen Document](#) *op.cit.*, note 55, paras. 30–39; Council of Europe Framework Convention for the Protection of National Minorities (FCNM), 1995 <<https://www.coe.int/en/web/minorities>> .
- 85 [Handbook on Observing and Promoting the Participation of National Minorities in Electoral Processes](#), OSCE/ODIHR, 2014. Available at <https://www.osce.org/files/f/documents/a/f/124067.pdf>. See also “[Third Status Report: Implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE](#)”, OSCE/ODIHR, 11 December 2018, <<https://www.osce.org/odihr/roma-sinti-action-plan-2018-status-report>>, which reported that the barriers that hinder participation of Roma and Sinti in elections have remained fairly constant since the 2013. From the reports and information received over the past five years, it is evident that Roma still face problems “ranging from direct pressure to ‘controlled voting’, vote buying, lack of voter education and illiteracy, candidates’ lack of capacity to run for elected office, lack of registration documents, family voting, and legal and administrative barriers.” Roma and Sinti women remain underrepresented in politics and mainstream political parties are still stubbornly resistant to field Roma and Sinti as candidates

and/or boundary delimitations, and possible cultural barriers. Such difficulties can be particularly pronounced for women from national minorities.

Women are often over-represented in populations of internally displaced persons (IDPs). The OSCE has recommended “Ensur[ing] special attention to the voting rights of IDPs in the OSCE’s election observation work, monitoring IDPs’ ability to vote and promoting reforms to ensure the full exercise of their right to political participation.”⁸⁶ Various international political instruments explicitly refer to IDPs’ electoral rights, including the “Guiding Principles of Internal Displacement,” the main international agreement covering internal displacement, endorsed by the 2005 UN World Summit.⁸⁷ In 2006, the Council of Europe’s Committee of Ministers stated, “Member states should take appropriate legal and practical measures to enable internally displaced persons to effectively exercise their right to vote in national, regional or local elections and to ensure that this right is not infringed by obstacles of a practical nature.” In 2009, the Parliamentary Assembly of the Council of Europe recommended that the Committee of Ministers “ensure that IDPs can exercise their right to participate in public affairs at all levels, including their right to vote or stand for election, which may require special measures such as IDP voter registration drives, or absentee ballots.”⁸⁸

IDPs can face multiple challenges, including being unable to return to their constituency of origin and administrative burdens in changing their registered address, which may affect their voter registration or their ability to participate at their de facto address on election day. Many displaced persons lose their identification documents, — often a requirement for voting at polling stations — while fleeing from their communities. Displaced women may be particularly reluctant to apply for

86 “Internally Displaced Persons”, Final Report, OSCE Supplementary Human Dimension Meeting, 4-5 December 2004, <<http://www.osce.org/odihr/38887?download=true>> .

87 Principle 22 (1)(d) states: “Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights: ... (d) the right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right.” Principle 29(1) states: “Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.” <<http://www.ohchr.org/EN/Issues/IDPersons/Pages/Standards.aspx>> .

88 [Recommendation 1877](#) (2009), “Europe’s forgotten people: protecting the human rights of long-term displaced persons,” 24 June 2009, <<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806b5aae>> .

new documentation or registration for fear of losing their benefits or entitlements, or to avoid intimidation. Such complications may be anticipated and addressed by parliaments and election management bodies when planning election procedures.

Issues related to gender identity and sexual orientation may also be considered by an EOA, in line with upholding all individuals' human rights, promoting electoral inclusiveness, and in keeping with the SDG agenda of leaving no one behind. The importance of this consideration is increasingly recognized at the international level. For example, in 2010, the Council of Europe's Committee of Ministers recommended that member states "ensure that legislative and other measures are adopted and effectively implemented to combat discrimination on grounds of sexual orientation or gender identity, to ensure respect for the human rights of lesbian, gay, bisexual and transgender persons and to promote tolerance towards them".⁸⁹ The United Nations High Commissioner for Human Rights has affirmed the right of trans people to legal recognition of their gender identity and a change of gender in official documents without being subjected to onerous and abusive requirements, in keeping with the right to be recognized as a person before the law.⁹⁰

However, in practice, there can be concerns about how the state defines and categorizes gender and difficulties with changes in individuals' status or name which impact their opportunities for electoral participation. For example, there can be legal or administrative restrictions that make it difficult to record a change in name and/or gender on an identification document and in the electoral register, which can create obstacles to participating as a voter or registering as a candidate. This could in effect force individuals to choose between their identity and their right to vote or to be elected. There can also be negative societal attitudes that may inhibit political participation by people whose gender identity or sexuality is marginalized.

89 Council of Europe, [Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf40a), 31 March 2010 (CM/REC(2010)5), <https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf40a>.

See also "Combating Discrimination on Grounds of Sexual Orientation and Gender Identity in Council of Europe Member States", CoE Steering Committee for Human Rights, 26-29 November 2019, <<https://rm.coe.int/combating-discrimination-on-grounds-of-sexual-orientation-and-gender-i/16809fb2b8>>.

90 "Transgender" factsheet, UN Free & Equal, Office of the High Commissioner for Human Rights. <https://www.ohchr.org/Documents/Issues/Discrimination/LGBT/FactSheets/UNFE_FactSheet_Transgender_EN.pdf>.

POINTS OF INQUIRY

- ▶ Are there any legislative provisions that facilitate the participation of people with disabilities, national minorities, youth and IDPs? Do these include any measures specifically for women within these groups? What views are there on these legislative provisions and how effective they are?
- ▶ Are there any legal gaps that may prevent citizens to take part in elections on grounds of their sexual orientation or gender identity?
- ▶ When undertaking legal reform related to elections, is there a consultative process with groups that are broadly representative of women with disabilities, national minorities, youth, IDPs and other under-represented groups?
- ▶ When electoral reform takes place, are representatives of disadvantaged groups consulted?
- ▶ Does voter education specifically promote the participation of women from under-represented communities? Is information made available in a variety of formats making it accessible to women of ethno-linguistic minorities or women with disabilities?
- ▶ Are women from disadvantaged groups working in the election administration?
- ▶ Are any special provisions made for electoral participation of women from under-represented communities?
- ▶ Is any information available on displaced women's possession of or access to personal documentation?

- ▶ Does the election administration have any policies around gender identity? Are there any concerns around how the election administration manages name and identity changes as a result of alterations to gender identification?
- ▶ Are women from under-represented communities visible in party candidacies, leaderships and/or public events and materials? Is there a mechanism for funding additional impairment-related costs that disabled women face when running for elected office?
- ▶ Are there issues related to gender identity and sexual orientation that are detrimental to electoral participation? Are any measures being taken by the state, political parties, or CSOs to overcome these?
- ▶ Are there any CSOs specifically promoting the electoral rights of women from under-represented communities?
- ▶ Does the environment enable the participation of women from under-represented communities in public and political life, including in electoral processes?
- ▶ Does the publicly-funded and/or private media cover the needs and priorities of women from under-represented communities? Does the media provide electoral coverage and information in minority languages and accessible formats? Do media outlets have any policies or practices related to gender identity and sexual diversity that can affect electoral participation?



CHAPTER 5. THE ROLE OF ODIHR MISSIONS AND OBSERVERS

Gender issues are relevant to all aspects of an election and are therefore an integral part an EOA's work. All EOA members should be aware of how gender issues relate to their specific areas of responsibility within a mission under the overall responsibility of the Deputy Head of Mission (DHoM) and reflect this in their analysis. ODIHR EOAs have to collect information, assess the extent to which law and practice meet OSCE commitments and other international obligations and standards, and then make constructive recommendations for the host country.⁹¹

A. NEEDS ASSESSMENT MISSIONS

ODIHR deploys a needs assessment mission (NAM) to a participating State four to six months in advance of an election day. The NAM assesses the pre-election environment and preparations, and advises on the type, format, duration and scope of a potential EOA.⁹² All NAM reports are circulated to OSCE participating States and made public in the ODIHR section of the OSCE website. A NAM may recommend an EOA be tasked with intensified analysis of women's participation in electoral pro-

91 *Decision No. 14/05*, 2004 OSCE Action Plan for the Promotion of Gender Equality, Sofia, 7 December 2004, <<https://www.osce.org/files/f/documents/7/d/23295.pdf>>, tasked the ODIHR to "... continue, as a part of its Election Observation Mission, to monitor and report on women's participation in electoral processes. When possible, additionally, the ODIHR will commission and publish reports specifically analyzing the situation of women in electoral processes."

92 For more information, see "*Election Observation Handbook: Sixth Edition*", OSCE/ODIHR, 11 June 2010, Section 4.2 <<https://www.osce.org/odihr/elections/68439>>.

cesses. In practice, this can result in the deployment of a gender analyst to an EOA or an election expert team (EET) focusing on women's electoral participation.⁹³ NAMs are therefore key to identifying issues related to women's electoral participation and recommending the appropriate type of gender focus within an EOA.

NAMs - action points:

- i. Prior to a NAM, the responsible ODIHR team will check whether the country has ratified/acceded to the CEDAW and if it has made any reservations or declarations. The team will also check the latest reports by the treaty body, the Committee on the Elimination of Discrimination against Women, and responses by the concerned State. The NAM can also check whether there is a national strategy or action plan that includes reference to gender equality and if there is any specific anti-discrimination law or hate speech legislation which covers gender. The responsible election adviser will also check previous ODIHR recommendations and activities related to gender as well as current representation of women elected at different levels and within the election administration (subject to data availability).
- ii. When preparing the NAM agenda, the team will encourage the authorities to send gender-balanced teams of representatives of institutions. The NAM team will also arrange to meet with civil society organizations representing women's interests as well as representatives of UN Women where possible.
- iii. The NAM team will check if there are any legally prescribed measures to promote women's electoral participation and when and how they were introduced, and will seek to understand their actual and perceived effectiveness. It will also assess whether there has been any backsliding, such as regressive legislation, withdrawal of quotas, or the introduction of measures that differentially affect women in elections.

93 *Ibid*, Section 5.4.

iv. During the NAM, the team may ask all interlocutors about the situation regarding women's participation in elections. Some of the most pertinent issues can include:

- ▶ How is the overall situation for gender equality in the country? If there is a gender action plan, how is its implementation assessed, and does it include women's political inclusion and participation?
- ▶ Is sex-disaggregated data available on women in the election administration, standing as candidates, and participating as voters? Are there legal requirements for the provision of such data?
- ▶ What is the current proportion of women in parliament, government, local government (depending on election) and in the political landscape? Is there an upward or downward trajectory of women in elected positions and in politics?
- ▶ What temporary special measures have been taken and are they regarded as effective? Are any of these new, or altered in some way? Were they adopted through an inclusive process with the participation of women's groups?
- ▶ What is the election administration doing to promote women's participation within the organization and as candidates and voters?
- ▶ What actions are political parties, including leading or any other parliamentary parties, taking in regard to the promotion of women in politics? Are they using any voluntary measures to promote women in party structures and lists?
- ▶ Do parties intend to nominate women candidates?
- ▶ Are any party or campaign financing mechanisms or related subsidies contingent on a party's inclusion of women?

- ▶ Do publicly funded and/or leading private media have measures in place to promote women's political participation?
 - ▶ Are there any concerns about women's unobstructed and autonomous participation on election day?
 - ▶ Are there women's rights groups or CSOs that specifically focus on women's electoral rights? Do they have the political space to analyse and advocate? What are the priority issues they identify? Have they been consulted on electoral reform matters?
- v. The NAM report should include a preliminary assessment of women's representation in elections, including:
- ▶ The extent to which gender-related recommendations from previous ODIHR EOAs have been implemented;
 - ▶ The extent to which women have been involved in the electoral reform and implementation of all previous recommendations;
 - ▶ The existence of any new gender policies and action plans including on political participation;
 - ▶ The legal framework for women's participation in elections, including any amendments made since the last election;
 - ▶ The availability of sex-disaggregated data;
 - ▶ Gender composition of the parliament and election administration (subject to data availability) and whether this has improved or there has been backsliding;
 - ▶ Available information on political parties intention to nominate women candidates or any known independent women candidates;

- ▶ Views on women’s electoral participation, including concerns expressed by women politicians, public authorities and civil society organizations;
 - ▶ Views on an ODIHR EOA focus on gender and elections.
- vi. Based on these criteria, the NAM may recommend the inclusion of a dedicated gender analyst on a subsequent mission. Occasionally, an EET may be recommended, focusing exclusively on women’s electoral participation.

B. ELECTION OBSERVATION ACTIVITIES

While women’s electoral participation should be assessed by all types of EOAs, some missions will include a dedicated gender analyst for intensified focus on women’s participation. However more typically, all core team mission members address gender in their respective areas of activity, under the overall supervision of the DHoM. The DHoM is responsible for ensuring the promotion of women’s participation across the different sections of all published reports. Some issues require the input of several core team colleagues. For example, the legal analyst may provide information on the legal framework and the election, political or media analyst looks at what happens in practice. In reporting, gender issues are almost always mainstreamed, i.e., covered from all perspectives.

EOAs - action points:

- i. The DHoM ensures the handbook is circulated and that core team experts know their respective responsibilities.
- ii. The HoM/DHoM leads on meetings with relevant civil society organizations.
- iii. Analysts develop a list of specific, gender-related questions for upcoming meetings.
- iv. The DHoM works with the LTO Co-ordinator to make sure that long-term and short-term observers are briefed on women’s participation and LTO

reporting templates are designed to capture specific aspects of women's participation.

- v. The DHoM works with the Media Analyst to discuss how the inclusion and coverage of women in the campaign will be monitored and reflected in the findings.
- vi. If the report does not contain a dedicated chapter on women's participation, analysis of women's participation should be included in every section of observation reports. To help enforce this, all analysts should prepare a paragraph in their respective thematic portfolio related to the participation of women in the elections, to be submitted with the draft preliminary statement and final report, compiled by the DHoM, and shared with the election adviser.
- vii. The DHoM prepares executive summary paragraphs and reviews the input of other core team colleagues' reporting on women's inclusion.

If a dedicated gender analyst is deployed, they will attend meetings with other analysts and can assist with preparing reporting relating to any aspect of women's electoral participation. They should also be prepared to give more comprehensive briefings on the matter.

All EOAs should attempt to obtain and report basic statistical data. This includes the respective numbers of men and women candidates; the numbers in the newly elected and outgoing parliaments (or other bodies for which elections are being observed) and, to the extent available, also from prior parliaments; the level of women's representation in election management bodies and in leadership positions in those bodies; and the number of election disputes or reported violations related to women's participation.⁹⁴ The analysis of these figures and the context will help establish the trends in women's participation and representation. Statistics are usually available through a variety of sources including government ministries, statistical offices,

94 [General Recommendation 23](https://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm), paragraph 48 <<https://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>> notes that "States parties should include statistical data, disaggregated by sex showing the percentage of women relative to men who enjoy those rights." See also Paragraph 40.13 of the 1991 [Moscow Document](https://www.osce.org/files/f/documents/2/3/14310.pdf) <<https://www.osce.org/files/f/documents/2/3/14310.pdf>> which commits participating States "to ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women."

EMBs, local government offices, political parties and civil society organizations. If the authorities do not collect disaggregated information or are reluctant to share it, EOAs should note this in their reporting and try to obtain data from other sources, such as political parties and civil society organizations. EOAs should also look beyond the numbers, considering, for instance, whether the presence of women in parties, parliament and government is perceived as translating into meaningful political influence. Where media monitoring is a component of the EOA, the monitoring should measure the volume and tone of the coverage of women candidates.

LONG-TERM OBSERVERS (LTOS)

The LTO Co-ordinator is responsible for ensuring that LTOs are aware of the mission priorities in regard to women and elections, and that they report information from the field that may be helpful in making assessments on these issues. The LTO Co-ordinator should work closely with the Gender Analyst, DHoM or gender focal point to determine how best to assign specific tasks to LTOs. The LTO Co-ordinator will also help set priorities for Short-term Observers (STOs) in regard to reporting on women's participation during election day.

LTOs play a central role in ensuring that the scope of a mission is countrywide. As such, they are in a key position to contribute to the analysis of women's roles in the electoral process in the regions. In order to contribute effectively, they should be briefed on ODIHR's general approach to gender issues and elections, and the specific situation in the country.

LTOs should be able to gather a range of useful information on the role of women in the electoral process in their designated regions. The core team should continuously alert all LTO teams to specific issues or problems that may merit special attention or follow up. At all campaign events and rallies observed by LTOs, the team should report on the participation of women, as speakers and as attendees, and reflect on the content of the speeches or presentations from a gender perspective.

LTOS POINTS OF INQUIRY

- ▶ Are any women running as candidates in your region? If so, how are they campaigning? Do they have any concerns related to gender in regards to the election process?
- ▶ Do some parties have notably more women candidates than others? Are any parties making a special effort to attract women voters or to address issues of particular concern to women?
- ▶ What proportion of women attend, and are featured as speakers, at party or contestant campaign rallies? Are they able to attend safely, and are there any barriers to their full and equal participation?
- ▶ Do women candidates have sufficient access to party resources? If self-financing, do they face any disproportionate challenges in obtaining financing for campaigns?
- ▶ How many women are elected representatives at the local level?
- ▶ How many women are members of regional and local election commissions? How many of the commissions are headed by women?
- ▶ Are there any CSOs in your area that are active in promoting women's electoral participation? What issues do they raise?
- ▶ Does the local election administration consult with groups representing women's rights?
- ▶ In your area of responsibility, are women registered as voters in the same numbers as men? If not, what reasons are given for this? Are there any specific regional aspects of voter registration that impact the registration of women?
- ▶ Are there any voter education or get-out-the-vote campaigns directed at women?

- ▶ Are there concerns about violence against women in the elections in your area? If so, is anything being done by the authorities or civil society to address this?
- ▶ Are women in your area reporting problems with harassment, disinformation, impersonation, sharing of private information etc. online?
- ▶ Do women belonging to minorities in your area appear to be participating in the election? Are there any factors constraining their participation?
- ▶ Do women with disabilities appear to be participating actively in the election? Are there any factors constraining their participation?
- ▶ Are there any other issues in your area of responsibility that appear to affect women's participation as voters and/or candidates, either positively or negatively?

SHORT-TERM OBSERVERS (STOS)

STOs can observe women's participation on election day. STO reporting forms include questions about the number of men and women on each polling station commission and the gender of each committee's chairperson. They also record incidents of family voting, other breaches of vote secrecy, proxy voting, and other election day issues that may disproportionately affect women. STOs should also use the dedicated forms to report incidents of violence or intimidation and note the impact on women's participation.

STOS POINTS OF INQUIRY

- ▶ How many men and women are on the polling station commission? Is the chairperson a woman or a man?
- ▶ Have you observed family voting, and any reaction from the polling station staff? Have you observed proxy voting, and any reaction from the polling station staff? Have you observed incidents of violence or intimidation? Did these incidents have any particular impact on women's participation?
- ▶ What is the general proportion of women serving as citizen and political party observers?
- ▶ Have you observed anything about the polling station that could have a disproportionate impact on the participation of women?

C. DEVELOPING GENDER-RELATED RECOMMENDATIONS

ODIHR EOAs report on a large number of election issues and so a mission has to summarize and prioritize the main strengths and shortcomings of women's participation. Key points relating to women's electoral participation should be included in the statement of preliminary findings and conclusions presented the day after the election. Comprehensive analysis of women's electoral rights will then be set out in the final report, usually released some two months after the end of the election process. Women's participation should be referred to in the executive summary of all reports, and especially in the final report. This should include an overall conclusion, while reporting and recommendations on women's participation should be mainstreamed throughout the different chapters. In EOAs where a gender analyst has been deployed, a separate section on women's participation could be included in the reports.

Given the limited number of recommendations a mission issues in each election cycle, there may be only a few recommendations related specifically to women's participation. The mission, therefore, needs to prioritize its gender-related recommendations according to the situation in the country and ensure that they are clearly formulated, contextually specific and relevant, and actionable.

If a country has signed but not ratified the CEDAW, the convention may still be referred to, as the country has expressed its interest in being bound by the treaty and its actions should conform to the treaty. The treaty can therefore provide a framework for recommendations.

Recommendations should make specific points that are implementable and measurable. Examples of recommendations include: a state review of possible temporary measures; requirements for the systematic collection and publication of sex-disaggregated data; statutory or voluntary measures by political parties; proportionate and unbiased coverage of women candidates by broadcasters; increased protections for women against online harassment or intimidation; improved electoral access where names or gender identity have been change; and women's leadership in the election administration. Missions should not make recommendations that are overly-prescriptive because States have a margin of appreciation about what measures they employ to fulfil their commitments, including the nature of their electoral system or the adoption of any quotas. However, recommendations

should note and respond to any disproportionate effects on women’s electoral participation caused by the design and implementation of an electoral system or quota.

D. FOLLOW-UP TO ELECTORAL RECOMMENDATIONS FROM A GENDER PERSPECTIVE

In the 1999 Istanbul Document OSCE participating States committed themselves “to follow up promptly ODIHR’s election assessments and recommendations”. Since then, the follow-up of electoral recommendations has become increasingly important to OSCE participating States, as well as to the work of ODIHR in supporting States in their efforts to further improve their electoral processes.⁹⁵

After the election observation final report is published, ODIHR usually travels to the participating State to present it to electoral stakeholders. These visits are the first step in the follow-up process and serve as a reminder to OSCE participating States of their obligation to improve their electoral processes in line with OSCE commitments. In addition, these visits give a better understanding about the willingness and ability of States to address particular issues.

If requested by the participating State, ODIHR can undertake follow-up activities. These may include legal reviews, assistance with legal expertise on drafting legislation, in-depth assessments of specific electoral components (on many occasions on women’s participation), technical advice, support to civil society organizations, mid-term review visits, and facilitation and coordination.

ODIHR promotes political pluralism and the participation of under-represented groups in follow-up processes as part of encouraging equal opportunities for electoral participation. Thus, ODIHR seeks to consult with and involve women politicians and civil society organizations working for women’s inclusion in its own follow-up activities. ODIHR also encourages participating States to involve women in discussions and follow-up activities, in keeping with CEDAW commitments.

95 See the ODIHR *Handbook on the Follow-up of Electoral Recommendations*, 2016. Available at: <<http://www.osce.org/odihr/elections/119893>>.

During the presentation of the final report, the ODIHR team should:

- i. Meet with key women politicians and women's rights groups as well as international organizations working on women's rights, e.g., UN Women, the Council of Europe, and OSCE Field Operations.
- ii. Include recommendations on women's inclusion in its discussions with different stakeholders.
- iii. Promote the inclusion of civil society organizations working on gender equality in follow-up activities and in all aspects of electoral reform.
- iv. Offer assistance to OSCE participating States on the promotion of women in the electoral process, including through a review of the electoral legislation and good practices for compliance with international obligations and standards.

ANNEXE A

SELECTED INTERNATIONAL STANDARDS

OSCE COMMITMENTS

Copenhagen Document, 1990

(5) [The participating States] solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:

(5.1) - free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives;....

(5.7) - human rights and fundamental freedoms will be guaranteed by law and in accordance with their obligations under international law;....

(5.9) - all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground;....

(5.20) - considering the important contribution of international instruments in the field of human rights to the rule of law at a national level, the participating States reaffirm that they will consider acceding to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments, if they have not yet done so; (5.21) - in order to supplement domestic remedies and better to ensure that the participating States respect the international obligations they have undertaken, the participating States will consider acceding to a regional or global international convention

concerning the protection of human rights, such as the European Convention on Human Rights or the Optional Protocol to the International Covenant on Civil and Political Rights, which provide for procedures of individual recourse to international bodies.

(7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will

(7.1) — hold free elections at reasonable intervals, as established by law;

(7.2) — permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;

(7.3) — guarantee universal and equal suffrage to adult citizens;

(7.4) — ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;

(7.5) — respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;

(7.6) — respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

(7.7) — ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

(7.8) — provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

(7.9) — ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

Charter for European Security, Istanbul, 1999

23. The full and equal exercise by women of their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area. We are committed to making equality between men and women an integral part of our policies....
24. We will undertake measures to eliminate all forms of discrimination against women and to end violence against women....

Moscow Document, 1991

40. The participating State recognize that full and true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law. They recognize that the full development of society and the welfare of all its members require equal opportunity for full and equal participation of men and women. In this context they will
 - 40.1 – ensure that all CSCE commitments relating to the protection and promotion of human rights and fundamental freedoms are applied fully and without discrimination with regard to sex;
 - 40.2 – comply with the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW), if they are parties....
 - 40.3 – affirm that it is their goal to achieve not only *de jure* but *de facto* equality of opportunity between men and women and to promote effective measures to that end;...
 - 40.8 – encourage and promote equal opportunity for full participation by women in all aspects of political and public life, in decision-making processes and in international co-operation in general; ...



- 40.13 – ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women...

UNITED NATIONS STANDARDS AND OBLIGATIONS

Universal Declaration of Human Rights

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law...

Article 21. 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures....

International Covenant on Civil and Political Rights

Article 3. The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 25. Every citizen shall have the right and opportunity...

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors....

Article 26. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law....

International Convention on the Elimination of all forms of Discrimination Against Women

Article 2. States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.

Article 7. States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country....

COUNCIL OF EUROPE STANDARDS AND OBLIGATIONS

Convention for the Protection of Human Rights and Fundamental Freedoms

Article 14 – Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status

Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms

Article 1 – General prohibition of discrimination

1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.

Code of Good Practice in Electoral Matters (Venice Commission, 2002)

2.5 Equality and parity of the sexes

24. If there is a specific constitutional basis, rules could be adopted guaranteeing some degree of balance between the two sexes in elected bodies, or even parity. In the absence of such a constitutional basis, such provisions could be considered contrary to the principle of equality and freedom of association.

25. Moreover, the scope of these rules depends on the electoral system. In a fixed party list system, parity is imposed if the number of men and women who are eligible is the same. However, if preferential voting or cross-voting is possible, voters will not necessarily choose candidates from both sexes, and this may result in an unbalanced composition of the elected body, chosen by voters.

ANNEXE B

ADDITIONAL USEFUL RESOURCES

ODIHR Election Handbooks <<https://www.osce.org/odihr/elections/handbooks>>

OSCE Glossary on gender-related terms <<https://www.osce.org/files/f/documents/1/2/26397.pdf>>

OSCE Handbook on Promoting Women's Participation in Political Parties, 2014, <<https://www.osce.org/odihr/120877>>

OSCE Gender Equality in Elected Office: a Six-Step Action Plan, 2011, <<https://www.osce.org/odihr/78432>>

OSCE/ODIHR-Venice Commission Joint Guidelines on Political Party Regulation <<https://www.osce.org/files/f/documents/2/b/77812.pdf>>

Legislationline <<http://www.legislationline.org/>>

ODIHR's online compendium of international norms and standards as well domestic legislation relating to the human dimension

Carter Center, Democratic Election Standards, <<https://eos.cartercenter.org/>>

European Union, Compendium of International Standards for Elections <http://eeas.europa.eu/human_rights/election_observation/docs/compendium_en.pdf>

Gender Equality and Election Management Bodies: A Best Practice Guide, IFES, <<https://www.ifes.org/issues/gender-equality>>

Gender Quotas Database, International IDEA, <<https://www.idea.int/data-tools/data/gender-quotas>>

Win with Women: Building Inclusive 21 Century Parties, NDI, <<https://www.ndi.org/win-with-women-building-inclusive-21st-century-parties>>

International Knowledge Network of Women in Politics website - <www.iknow-politics.org>

Women in politics database, Inter-Parliamentary Union, <<https://www.ipu.org/our-impact/gender-equality/women-in-parliament/ipu-knowledge-hub-women-in-politics>>

IPU report on Women in parliament: 1995 - 2020 - 25 years in review, <<https://www.ipu.org/resources/publications/reports/2020-03/women-in-parliament-1995-2020-25-years-in-review>>

UN Women, UN Entity for Gender Equality and the Empowerment of Women, <<https://www.unwomen.org/en>>

IFES Paper on Political Finance and Gender Equality, <https://www.ifes.org/sites/default/files/political_finance_and_gender_equality.pdf>

Joint IPU and PACE report on Sexism, harassment and violence against women in parliaments in Europe, <<https://www.ipu.org/resources/publications/issue-briefs/2018-10/sexism-harassment-and-violence-against-women-in-parliaments-in-europe>>

IFES Violence Against Women in Elections <<https://www.ifes.org/VAWE>>

NDI, Votes Without Violence, Observing Gender and Electoral Violence, <https://www.ndi.org/sites/default/files/Violence_Against_Women_in_Elections_Overview.pdf>

UN Women, Preventing Violence Against Women in Elections: A programming Guide <<https://www.unwomen.org/en/digital-library/publications/2017/11/preventing-violence-against-women-in-elections>>

OSCE/ODIHR Guidelines on Promoting the Political Participation of Persons with Disabilities <<https://www.osce.org/odihr/414344>>

KEY POINTS ON WOMEN'S PARTICIPATION FOR OSCE/ODIHR ELECTION OBSERVERS

“Prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground”.

CEDAW requires States Parties to **“take all appropriate measures to eliminate discrimination against women in the political and public life of the country”**. It identifies the need for temporary special measures to accelerate equality and which should not be considered discrimination and emphasizes that rights must be enjoyed both *de jure* and *de facto*.

Furthermore government bodies should consider the views of representative women's groups and that there should be equality of representation of women in the formation of government policy. Governments should report statistical data showing the percentage of women relative to men who enjoy political rights and encourage political parties to adopt effective measures to promote women's participation.

The 2011 UN General Assembly Resolution on Women and Political Participation calls on states to **“review the differential impact of their electoral systems on the political participation of women and their representation in elected bodies and to adjust or reform those systems where appropriate”**.

SDG 5 on gender equality refers to **“women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life”**. SDG 16 on peace, justice and strong institutions, includes an indicator of responsive, inclusive, participatory and representative decision-making at all levels.

Violence against women in elections includes acts or threats of physical, sexual or psychological harm or suffering. As well as compromising individuals' right to participate, this can have a distorting effect on the democratic process overall. Online intimidation can disproportionately impact women.

