**Council of Europe contribution to the elaboration of OHCHR guidelines on the right to participate in public affairs**

**General Standards**

The Council of Europe has developed several standards directly relevant for participation in public affairs, which it is recommended to consider with particular attention in the drafting process:

* The [Additional Protocol to the European Charter on Local Self-Government on the right to participate in the affairs of a local authority](https://rm.coe.int/168008482a);
* The 2017 [Guidelines for civil participation in political decision-making](https://rm.coe.int/guidelines-for-civil-participation-in-political-decision-making-en/16807626cf)
* The 2007 [Recommendation of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe](https://rm.coe.int/16807096b7)
* The 2001 [Recommendation of the Committee of Ministers to member states on the participation of citizens in local public life](https://rm.coe.int/16804f513c) (currently being revised)

Issues concerning civil participation are also dealt with by the Council of Europe Conference of International NGOs, which adopted a [Code of Good Practice for Civil Participation in the Decision-Making Process](https://www.coe.int/en/web/ingo/civil-participation).

The Venice Commission has dealt with the issue of equal participation in public affairs, and of equal suffrage in particular, in the following documents:

* [Code of Good Practice in Electoral Matters](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev-e), I.2 (in particular)
* [Declaration on Women's Participation in Elections](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282006%29020-e)

These documents are regularly quoted (and applied for the assessment of national legislation) in the opinions of the Venice Commission in the electoral field. Most of these opinions are joint documents of the Venice Commission and OSCE/ODIHR.

In addition, it is important to recall the [European Convention on Access to Official Documents (CETS n° 205)](https://rm.coe.int/1680084826).  This Convention was opened for signature and ratification on 18 June 2009. Its Article 10 (Documents made public at the initiative of the public authorities) provides that “At its own initiative and where appropriate, a public authority shall take the necessary measures to make public official documents which it holds in the interest of promoting the transparency and efficiency of public administration and to encourage informed participation by the public in matters of general interest”. The Convention is not yet into force, having been ratified by nine States (Bosnia-Herzegovina, Estonia, Finland, Hungary, Lithuania, Republic of Moldova, Montenegro, Norway and Sweden). It will enter into force following the tenth ratification.

**Specific Standards**

In addition, the Council of Europe has developed standards or carried out activities relevant for participation in public affairs in specific contexts.

*National Minorities*

In the context of the implementation of the Framework Convention for the protection of National Minorities, a Thematic Commentary has been devoted precisely to Article 15 (participation in public life - See [link here](https://rm.coe.int/16800bc7e8)). The text is dense and comprises standards which could be a useful reference in preparation of the Guidelines. In addition, the [3rd Thematic Commentary](https://rm.coe.int/16800c108d), on the language rights of persons belonging to national minorities contains in its Chapter VII standards regarding language and participation in public life.

*Roma and Travellers*

On 6-7 November 2017, the Council of Europe in Strasbourg held the 6th International Roma Women Conference on “Women and Political Representation: The Case of Roma and Traveller Women”. The conference outlined a number of actions that should be taken in the short and in the long term to support Roma women’s political participation.

A number of recommendations, emanating from that Conference, could be taken into account in the drafting of guidelines on the right to participate in public affairs (see the document  #romawomencandoit in Appendix).

*Gender Equality*

Balanced participation of women and men in political and public decision making is a matter of their full enjoyment of human rights, of social justice and a necessary condition for the better functioning of a democratic society. Through [Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision making](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805e0848), Council of Europe member states committed themselves to achieving a minimum representation of 40% of women and men in political and public life, through legislative, administrative and supportive measures. According to the Council of Europe [2017 Analytical Report on Balanced Participation of Women and Men in Decision-making](https://rm.coe.int/analytical-report-data-2016-/1680751a3e), women’s average representation in national lower/single houses was 25.6% in 2016 and only two countries reached the 40% minimum target. The report shows the same imbalances and slow progress for the executive, judicial and diplomatic powers. In 2016, the percentage of women heads of state elected by citizens was only 9.5%; there were 22.4% women senior and junior ministers; the average percentage of women in regional governments was 31.4%; and there was a low 13.4% of women mayors.

Recommendation Rec(2003)3 put forward the following actions to member states:

* commit themselves to promote balanced representation of women and men by recognising publicly that the equal sharing of decision-making power between women and men of different background and ages strengthens and enriches democracy;
* protect and promote the equal civil and political rights of women and men, including running for office and freedom of association;
* promote and encourage special measures to stimulate and support women’s will to participate in political and public decision making;
* consider setting targets linked to a time scale with a view to reaching balanced participation of women and men in political and public decision making.

Specific measures recommended to member states after the latest assessment of the situation include:

* Ensuring political will, commitment and communication at high level;
* Addressing the role of political parties, including through rules on their public funding and through training of leaders;
* Considering setting strong gender quota laws /parity systems;
* Consider the advantages of proportional electoral systems;
* Consider the limitation of electoral posts held simultaneously.

Achieving balanced participation of women and men in political and public decision-making will continue to be in the focus of the forthcoming Council of Europe Gender Equality Strategy 2018-2023.

*Youth*

The Council of Europe’s Youth for Democracy programme has a dual perspective: to empower young people to influence decisions in democratic processes and increase their involvement in the development of inclusive and peaceful societies; and to encourage member States to take concrete measures to develop youth policy thereby facilitating young people’s access to rights. Reference texts and other relevant documentation in this area include:

* Recommendation [CM/Rec(2016)7 of the Committee of Ministers to member States on young people’s access to rights](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806a93e2)
* [Recommendation CM/Rec(2015)3 of the Committee of Ministers to member States on the access of young people from disadvantaged neighbourhoods to social rights](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM%2FRec(2015)3&Language=lanEnglish&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true).
* Recommendation [CM/Rec(2013)2](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec%282013%292&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true) of the Committee of Ministers to member States on ensuring full inclusion of children and young persons with disabilities into society
* Recommendation [CM/Rec(2010)7](https://rm.coe.int/16803034e5) of the Committee of Ministers to member States on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education
* Resolution [CM/Res(2008)23](http://pjp-eu.coe.int/documents/1017981/3084919/CM_Res_2008_23.pdf/22245849-f355-48fa-b1d6-be7d5194dad7) of the Committee of Ministers on the youth policy of the Council of Europe;
* Recommendation [CM/Rec(2006)1](https://rm.coe.int/168046c478) of the Committee of Ministers to member States on the role of national youth councils in youth policy development
* Recommendation [Rec(2004)13](https://rm.coe.int/168071b4d6) on the participation of young people in local and regional life;
* [Have your say! Manual on the Revised European Charter on the Participation of Young People in Local and Regional Life](https://rm.coe.int/16807023e0) (New Edition) (2015)
* [Young people’s access to rights through youth information and counselling](https://rm.coe.int/16807023d9) *Toolkit on how to inform young people about their rights (2015)*
* Study on “[Youth participation good practices in different forms of regional and local democracy](http://www.nuorisotutkimusseura.fi/images/julkaisuja/youthparticipation_goodpractices.pdf)”.

**Appendix I - #romawomencandoit**

1. More political parties should design measures to promote Roma women in elections, including quotas.
2. Electoral systems and the geographical boundaries of electoral constituencies matter. Proportional electoral systems with closed lists have shown to increase women’s political representation, and countries should consider switching to such systems. To promote minority participation, the legal threshold for parties under proportionate representation systems should be low enough.
3. Voting mechanisms should be designed to provide the possibility for Roma women to be voted all over the country in those countries where the minorities are scattered.
4. Quotas are a powerful tool to achieve better political representation. Member states should consider setting strong quota laws or parity systems (with high quota percentage, rank order rules, strict sanctions). However, quotas for women alone or for national minorities alone do not ensure that Roma women are represented on party lists.
5. The importance of access to resources for political participation was repeatedly emphasised. There is a pressing need to make funding available for Roma women who want to campaign in elections. Party financing/ campaign funding is an important area to increase Roma women’s chances to become involved in politics. In every country where there is a law regarding the use of election funding, financial resources should be available also to the Roma candidates in equal proportion.
6. Conference participants called for a number of measures to encourage Roma women to enter the world of politics, through training, mentorship, career advising and peer networking. Roma women candidates should also be supported after their election.
7. Political parties, international organisations, governmental and European representatives should train Roma women to stand for political office, by facilitating mentorship programmes for Roma women (utilising existing role models from within the Roma community and mainstream politicians), by supporting exchange of expertise between Roma women in politics but also with other women representing diverse community interests or the mainstream. Support should be given on longer-term and in consistent manner, building on experiences, which led to effective participation.
8. International organisations, governments, civil society, practitioners and academics should invest in the capacity building of Roma women. In addition to designing specific initiatives, where needed, it is important to ensure that Roma women have access to capacity building initiatives that exist in the countries, as well as access to resources.
9. Women’s organisations should examine their own agendas and practices to ensure that Roma women’s issue are included in the women’s movements.
10. Action should be taken to train leaders and executives of political parties, as well as the bodies responsible for choosing the candidates for elections, so they can reflect on their party’s structure and address gender biases in the functioning, recruitment and selection practices in order to become inclusive, including by adopting strong political party quotas.
11. While the focus of the conference was on political participation, the participants repeatedly stressed the need to ensure Roma women’s participation in all decision making bodies and administrative structures that affect their lives, including national and local government structures, law enforcement bodies and the judiciary. Roma women called for continued support to good practices of participation, in particular support to mediators at community level.
12. The conference also discussed the importance of increasing Roma women’s participation as voters in order to act as a powerful electoral constituency.
13. One way to support Roma women’s political participation is to support the education/ training of voters and sensitisation campaigns targeting women. Action needs to be taken to eradicate obstacles facing Roma women to fully exercise their electoral rights, by ensuring that all Roma have identity documents and are included in the voters registration list; by addressing family (group) voting and securing that women can take an informed, free and secret choice for casting the ballot, and, by taking actions against vote manipulation and vote buying.
14. Measures to increase Roma women’s political participation need to be embedded in a larger gender equality strategy for Roma women, that also includes actions to overcome gender stereotypes in society and in Roma communities and support for the reconciliation of family and work. All decision makers, including those in government and political parties should make a strong commitment to gender equality and balanced participation in political and public decision-making, leading to appropriate measures in legislation, policies and practice. Furthermore, all Roma related policies, frameworks and programmes at international, European, national and local level should integrate a strong gender mainstreaming component.
15. There is still a pressing need to collect gender-disaggregated data about Roma women’s participation in political life. More research is needed, such as a report on the impact of electoral systems on Roma women’s representation in politics.
16. Awareness should be raised among the media and the general public about the importance of having balanced participation in political and public decision-making, and the obstacles faced by women so that positive actions are supported as long as necessary.
17. Participants in the conference underlined the importance of language in reproducing, but also countering racist and sexist mind-sets. Awareness should be raised among political parties, media and the general public on the use of non-sexist language when speaking about Roma women candidates.
18. International organisations, governments, political parties and civil society should design actions aimed at engaging Roma girls so that they consider political careers, including through role models and networking.
19. Partnerships and co-ordination between and with governments, civil society, international organisations, media, political parties, practitioners and researchers are critical to the success of efforts to tackle the democratic deficit resulting from the unbalanced representation of women, and the severe under-representation of Roma women, in the political decision-making processes.