**OSCE Office for Democratic Institutions and Human Rights**

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**Contribution to the study on best practices, experiences and challenges and ways to overcome them with regard to the promotion, protection and implementation of the right to participate in public affairs**

*(The following contribution covers three of the areas of work of ODIHR as of February 2015: Elections, Roma and Sinti issues, and democratization)*

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| **Elections** |

Universal and equal suffrage, including the right to vote and to be elected, is one of the fundamental tenets of international law in the area of political rights and is a key component of democratic elections. As part of its mandate to assist the OSCE participating States in the conduct of elections in line with OSCE commitments and standards for democratic elections, the OSCE/ODIHR conducts election observation and reports on observed electoral processes, including on legislative regulation and practical arrangements related to the exercise of suffrage rights. OSCE/ODIHR reports on observed elections, legal reviews on election legislation and drafts thereof, as well as the 2013 OSCE/ODIHR Review of Election Legislation and Practice[[1]](#footnote-1) indicate that OSCE participating States’ laws largely ensure universal and equal suffrage, as required by OSCE commitments and other international standards. However, challenges to effective exercise of the rights to vote and to stand, including by women and persons with disabilities, remain across the OSCE region, with legislations of some States going beyond the acceptable restrictions of suffrage rights.

In terms of voter rights and registration, OSCE participating States’ laws largely ensure universal and equal suffrage, as required by OSCE commitments and other international standards. OSCE participating States’ laws largely prohibit restrictions of voting rights based on discrimination on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as required by OSCE commitments and other international standards.

While citizenship-based restrictions are recognized as an acceptable limitation on voting rights, in several OSCE participating States problems persist with disenfranchisement of certain groups of permanent residents without citizenship or with “undetermined citizenship”. In these cases, the OSCE/ODIHR recommended taking steps for accelerating the naturalization process of these people. Furthermore, in line with the Council of Europe Convention on Participation of Foreigners in Public Life at Local Level, which prescribes granting of voting rights to resident foreigners in local elections, the OSCE/ODIHR has drawn attention to this issue in some States. The OSCE/ODIHR has also pointed to overly restrictive residency requirements as a condition for citizens to be eligible to vote in a few States as contrary to international standards.

Participating States’ laws that stipulate a blanket denial of voting rights of those convicted for crimes were consistently criticized as being contrary to OSCE commitments and other international standards, particularly paragraphs 7.3 and 24 of the 1990 OSCE Copenhagen Document. Where citizens in pre-trial detention were denied voting rights, the OSCE/ODIHR has pointed to inconsistency with the concept of presumption of innocence enshrined in paragraph 5.19 of the 1990 OSCE Copenhagen Document.

In a limited number of OSCE participating States, military personnel is denied voting rights by law, which was assessed as an excessive restriction of voting rights and at odds with the principles of universal and equal suffrage.

The majority of participating States provide efficient mechanisms for voter registration that were considered accurate by OSCE/ODIHR interlocutors. However, in several States, the right to vote was negatively impacted by challenges related to voter registration. In several countries, voters faced problems in exercising their suffrage rights due to issues related to the accuracy of voter lists.

Electoral legislation and practice in respect of candidate rights and registration varied across the OSCE region, with a number of undue limitations observed that ran contrary to OSCE commitments and other international standards. In some cases, participating States’ laws were assessed as discriminatory, including ethnicity-based limitations in one country and age-based limitations in two countries. Other States have unreasonable legal restrictions related to citizenship and residency requirements, criminal convictions, as well as limitations on independent candidates and the activities of some political parties and their members. In other countries, candidate rights were denied due to an overly restrictive application of candidate registration procedures, particularly during the verification of candidate support signatures.

Legislation in some States contains provisions to ensure gender equality and to promote the participation of women in political life, in compliance with paragraph 40 of the 1991 OSCE Moscow Document. Such legislative measures to enhance gender equality include the adoption of specific legislation to promote women’s participation, in addition to general non-discrimination provisions. This usually implies the introduction of temporary special measures, most often candidate quotas for the underrepresented gender and at times with additional ranking requirements. In other states gender equality legislation is completely lacking.

In its observation of and reporting on elections, the OSCE/ODIHR draws attention to issues related to the participation of women in elections and suggests measures that could further enhance their participation and representation. These include 1) work with parties to encourage them to include women in top positions on candidate lists, 2) introduction of a ‘zipper’ requirement for alternating women and men candidates on party lists, 3) inclusion of issues related to women in election campaigns and platforms, 4) encouraging nominations of women in higher-levels of the election administration, and 5) analysing participation of women as voters and candidates on the basis of gender-disaggregated data.

Main challenges that women face in elections are their underrepresentation and low visibility as candidates as well as their disenfranchisement through voting practices such as group or illegal proxy voting. Women are also often under-represented in high-level decision-making positions. Despite efforts to enhance gender equality, women’s representation in elected politics remained at some 23 per cent across the OSCE region.

The 1991 Moscow Document commits OSCE participating States to ‘ensure protection of the human rights of persons with disabilities’, including political and electoral rights. Attention to the issue has increased in recent years, with explicit obligations provided in the 2006 Convention on the Rights of Persons with Disabilities. Of the 57 OSCE participating States, 53 have signed and/or ratified the Convention.

The CRPD, together with jurisprudence from the ECtHR and CRPD Committee, demonstrate an evolving approach to the electoral participation of persons with disabilities that places an obligation on states to take measures to promote their participation on an equal basis. ODIHR’s focus on the electoral participation of persons with disabilities has increased in recent years, particularly in respect of candidate registration and access to polling stations. A review of recommendations from 2009-2014, shows that 21 recommendations were made in 16 participating States with some reference to persons with disabilities. This represents about 1 per cent of all recommendations.

In its election observation activities, the OSCE/ODIHR assesses the conditions for the participation of persons with disabilities in electoral processes, including the accessibility of polling stations, voting arrangements for persons with visual impairment or other disabilities, as well as voting rights for persons with mental disabilities, and continues to make related recommendations in its reports.

While steps to facilitate voting rights of persons with disabilities were taken by an increasing number of participating States, issues persisted. Some countries extended voting rights to voters declared incapable on the grounds of mental health, but the majority of participating States continued to deny voting rights to those with mental disabilities.

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| **Roma and Sinti issues** |

The *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*[[2]](#footnote-2) (OSCE Action Plan) gives ample attention to enhancing participation of Roma and Sinti in public and political life. The Action Plan calls on the participating States to proactively ensure the participation of Roma and Sinti by solving issues related to the lack of personal documents and by accounting to the principles of early involvement, inclusiveness, transparency, meaningful participation at all levels of government and ownership *“*for ensuring effective participation of Roma and Sinti in public and political life”.

With regard to the vulnerable situation of Roma and Sinti women, participating States underlined that “women should be able to participate on an equal basis with men in consultative and other mechanisms designed to increase access to all areas of public and political life”. The participating States should also guarantee women’s equal rights when it comes to voting, including a ban on “family voting”.

Furthermore, the OSCE Action Plan tasks the OSCE/ODIHR Contact Point for Roma and Sinti Issues (CPRSI) and other OSCE institutions and structures to design programmes that encourage Roma and Sinti representatives to stand as candidates for elected bodies, or to identify creative solutions that would ensure the participation of Roma and Sinti representatives in national and local decision-making processes and also to develop and implement voter education and voter registration programmes.

The OSCE Action Plan provisions on the political participation of Roma and Sinti were later reinforced with two relevant Ministerial Council Decisions. In 2008, the Ministerial Council Decision No. 6/08 on “Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” encouraged the participating States to “promote effective participation by Roma and Sinti in public and political life”. Additionally, in 2013, the OSCE Ministerial Council Decision No. 4/2013 was adopted, on “Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma within the OSCE Area, with a particular focus on Roma and Sinti women, youth and children”. With this decision, the participating States commit to “prevent further marginalization and exclusion of Roma and Sinti” by “enhancing the participation of Roma and Sinti in the elaboration, implementation and evaluation of the policies that affect them, including by fostering Roma and Sinti political participation and by supporting voter education among Roma and Sinti*”*. Furthermore, participating States agreed to take active measures to support the empowerment of Roma and Sinti women by *“*promoting the effective and equal participation of Roma and Sinti women in public and political life, including through the promotion of women’s access to public office, public administration and decision making positions”.

The OSCE commitments on enhancing the political participation of Roma and Sinti are further reinforced by the recommendations of the OSCE Parliamentary Assembly. In particular, the OSCE Parliamentary Assembly “Resolution on Gender and Minorities in the OSCE Region”, adopted in 2012, “encourages participating States to exchange best practice concerning gender, ethnic, linguistic and religious groups, national minorities, indigenous peoples, and the Roma and Sinti populations in order to develop more effective policies regarding their political, economic and social inclusion and identify priority areas for further capacity building”.

Furthermore, the OSCE Parliamentary Assembly “Resolution on Promoting Policies in Favour of the Roma Population” and the “Resolution on Promoting Policies on Equality between Women and Men of the Roma Population”, adopted in 2011, ask OSCE participating States to provide more spaces for increased public and political participation of Roma and to “promote equal opportunities for Roma women in politics”.

Earlier on, the OSCE Parliamentary Assembly “Resolution on Combating Anti-Semitism, Racism, Xenophobia and other Forms of Intolerance, Including Against Muslims And Roma” adopted in 2007, urged “participating States to increase efforts to work with their diverse communities to develop and implement practices to provide members of minority groups with equal access to and opportunities within social, political, legal, and economic spheres”.

In its 2008 and 2013 Status Reports on the implementation of the OSCE Action Plan, ODIHR points to the barriers that hinder a proportionate participation of Roma and Sinti in democratic processes and decision making by way of elections.[[3]](#footnote-3) Both reports note problems ranging from direct pressure, “controlled voting”, vote-buying, lack of voter education and illiteracy, lack of capacity of candidates to run for elected office, lack of registration documents, family voting and legal and administrative barriers. In particular, the reports note that Roma and Sinti women are under-represented in politics in the OSCE region.

Roma and Sinti participate in local elections either by means of mainstream parties or on Roma and Sinti political party platforms organized on ethnic lines. When it comes to participation through mainstream political parties, the ODIHR 2013 Status Report notes that these are still reluctant to launch Roma and Sinti as candidates in spite of an increasing number of educated and professionally adequate individuals. Representation at the local level remains low; information provided by participating States for the elaboration of the 2013 Status Report reveals that in Romania, for example, only 161 Roma serve as local councillors following the elections in 2012,[[4]](#footnote-4) in Hungary only 19 Roma local councillors hold seats while in Serbia 26 Roma were elected to local office. Bulgaria reported 41 Roma elected local representatives. Slovakia reported that 28 local councillors who were elected to office in 2010 have acknowledged their Roma origin, however according to recent estimates provided in the 2013 Atlas of Romani communities; Slovakia has 426 local Roma local councillors in 197 municipalities and 29 elected Roma mayors.[[5]](#footnote-5) Since May 2013, in Croatia 12 Roma serve as elected representatives in local councils while two Roma have secured executive (Deputy Mayor) positions. While not related to the participation of Roma and Sinti in local elections, it is important to note that during the 2014 European Parliament elections two candidates of Roma origin won seats in the European Union (EU) body.[[6]](#footnote-6)

An important element that affects the participation of Roma and Sinti is the fact that some participating States in the OSCE region also feature legal frameworks that enable preferential minority representation at the national or local level, or at both levels. For example in 2011, Hungary adopted an act on the election of parliamentary representatives. This act ensures preferential quotas that enable Roma, and other minority candidates, to be elected in the National Assembly with only a quarter of the votes that would otherwise be needed. However, as the OSCE/ODIHR Limited Election Observation Mission (LEOM) final report for the Hungarian parliamentary elections held on 6 April 2014 reveals, none of the 13 registered minority candidates obtained sufficient votes to win a parliamentary seat. Nevertheless Hungary’s Minority Self-Government system, introduced in 1993, allows for Roma to establish local, regional, and national self-governments. The self-governments are elected bodies that function in parallel to mainstream institutions and decide on matters related to education, language use in public institutions and the protection of traditions and culture. At the local level, elected Roma self-government representatives have access to local council committee meetings; however they do not have a vote on the matters decided.

In Croatia, since 2002, the National Minority Rights Act guarantees minorities, including Roma, the right to joint representation in the parliament with 21 other minorities (except the Serb minority). Furthermore, the act allows for proportional representation in bodies of local governmental for members of national minorities in cities and municipalities where they account for between 5 per cent and 15 per cent of the population.

Similarly, the Local Elections Act in Slovenia, governing municipal council elections and mayoral elections, introduced provisions that enforce the right of the Roma community to representation in municipal councils. The act allows for a national authority to organize the elections for a mandatory Roma community representative, in a municipality with Roma population, if during local elections a Roma representative has not secured enough votes to be elected as councillor.

The Romanian Constitution also allows minorities to secure representation in the parliament by means of reserved seats. The reserved seat can be secured by a minority organization irrespective of whether it passes or not the 5 per cent electoral threshold during parliamentary elections. Roma, along with other recognized minorities, are thus represented in the chamber of deputies by one representative as a result of this provision. It must be noted that in spite of their demographical significance – an estimated 1.2 to 2 million Roma live in Romania[[7]](#footnote-7) – Roma from Romania have not been able to secure further seats by means of proportional representation.[[8]](#footnote-8) At the local level, there are no provisions that would allow for preferential treatment for Roma candidates.

When it comes to the participation of Roma and Sinti women in local or national elections, by way of minority systems or through mainstream political parties, information and research that provide a gender breakdown is scant. However, when looking specifically at this issue, a report published by the ODIHR Best Practices for Roma Integration project, entitled Gender Dimension of Roma National Minority Councils in the Republic of Croatia, reveals the gender imbalance of the Roma national minority councils.[[9]](#footnote-9) The report notes that only 13.53 per cent of the members of Roma minority councils are women. Furthermore Roma women are represented in only one third of the existing Roma councils and all council Chairpersons are male. Similarly, in Serbia, according to the preliminary results of the 2014 elections for the Roma National Minority Council, only 11 out of 35 Roma Council members are women, or 31.4 per cent.[[10]](#footnote-10)

Past ODIHR involvement in the area includes the project "Roma Use Your Ballot Wisely!" (RUBW), focused on electoral participation of Roma and Sinti and other groups commonly referred to as "Gypsies” (such as Sinti, Egyptians, Ashkalie, Rudari) in South-Eastern Europe. The project was launched in 2003, following a grant agreement between the OSCE/ODIHR and the European Commission (EC), intended to increase the participation of Roma and Sinti in public life by promoting dialogue among Roma and Sinti communities, the mainstream society and the authorities, and by empowering Roma to become protagonists in the decisions involving and affecting them. The CPRSI implemented a series of activities within the RUBW project, including training of Roma voters, model (mock) elections, training of potential candidates, facilitating electoral coalitions, and training and secondment of election observers to OSCE/ODIHR Election Observation Missions (EOMs) and domestic observation efforts. The RUBW project acknowledged in particular the vulnerability of Roma and Sinti women for reasons related to cultural practices of unequal treatment of men and women among Roma, as well as traditional and paternalistic attitudes by party and community leaders. Thus the project activities targeted specifically Roma and Sinti women and youth in their capacity as voters and as candidates. Training activities targeting especially women and youth as candidates were carried out in the Former Yugoslav Republic of Macedonia and in Bulgaria.[[11]](#footnote-11)

ODIHR has also implemented a series of activities on Roma and Sinti political participation under the Best Practices for Roma Integration in the Western Balkans (BPRI) project. In Albania, the BPRI promoted voter education for Roma women; activities included training on elections for Roma women, an awareness raising campaign and political debates. In Bosnia and Herzegovina, a local workshop for Roma elected officials was organized in Konjic Municipality on 22-23 May 2013, in cooperation with the OSCE Mission to Bosnia and Herzegovina. The purpose of the workshop was to develop capacities of 11 Roma elected officials on the functioning of the local self-governments. In Montenegro, BPRI contracted a consultant to provide an analysis and recommendations for elections of National Minority Councils, in accordance with the Law on Rights and Freedoms of National Minorities. Among the recommendations regarding the election of the members of National Minority Councils, the consultant highlighted the need for equal regional and gender representation.

In co-operation with the United Nations (UN) agencies in Chisinau and the Council of Europe, ODIHR also co-organized the “Roundtable on Romani women’s political participation at national and local level” in Chisinau, Moldova, on 24 February 2014. The event featured the participation of a newly established Roma Women Network in Moldova and focused on the challenges faced by Roma women in Moldova with regard to their participation in politics. The Government of Moldova was called upon to address this issue pursuant to their Action Plan for Roma, which includes a commitment “to build the capacity of Romani women and men with a view to increasing their participation in decision making processes”.[[12]](#footnote-12) At the same time, the international organizations present expressed their readiness to support concrete initiatives aimed to address the lack of participation of Roma women in public and political life.

Issues related to Roma and Sinti political participation were highlighted at the OSCE Supplementary Human Dimension Meeting on the implementation of the Action Plan on Improving the Situation of Roma and Sinti, organized in Vienna, on 7 and 8 November 2013. Participants at the meeting emphasized the need to reach out to Roma and Sinti communities with a view to engaging them in political processes. They called on national and local authorities to strengthen the role of Roma and Sinti women and youth in improving the situation in communities. To this end, they called for real support to programs that enhance Roma and Sinti women and youth political participation as voters and candidates. Furthermore, participating States were called upon to remove barriers that prevent Roma and Sinti from participating in elections and to support Roma and Sinti women’s economic and political empowerment.

Specific issues related to the participation of Roma and Sinti women in politics and decision making were one of the focus areas of the roundtable “Women as agents of change in migrant, minority, and Roma and Sinti communities”, organized by the OSCE on 6 and 7 September 2012. Participants at the roundtable argued that political party leaders need to support Roma and Sinti women’s leadership, if necessary, through temporary special measures that enable them to engage in politics. Similarly, participants noted that policy measures are needed to address inequalities regarding access to education, health and access to economic opportunities.

The ODIHR Contact Point for Roma and Sinti Issues further provides support for Election Observation Missions, Election Assessment Missions and Election Needs Assessment Missions organised by ODIHR and promotes the participation of Roma and Sinti professionals in such missions. Furthermore, it provides information and support to the office of the OSCE High Commissioner on National Minorities on matters related to Roma and Sinti political participation.

On 28 November 2014 ODIHR organized an expert meeting: Roma and Sinti Political Participation: Opportunities and Risks of Local-level Engagement. About 15 Roma politicians (including local councillors), experts, activists and researchers participated and we gathered a lot of information about barriers and opportunities. The meeting was organized in order to explore current mechanisms of political participation of Roma and Sinti at the local level, highlighting both opportunities and challenges in this area. It focused on the legal frameworks that govern minority participation in the OSCE area as part of minority or mainstream parties or through minority representation systems, in particular on challenges related to safeguarding the principles of free competition and pluralism. Furthermore, the challenges faced by Roma and Sinti as candidates at the local level, whether as part of minority or mainstream parties, including Roma and Sinti women and youth relations with mainstream and Roma parties, and their prospects as candidates and representatives were explored. Key issues that relate to voter mobilization among Roma and Sinti – including women and youth – and their participation as voters, focusing on existing challenges, ranging from direct pressure, “controlled voting”, vote buying, lack of voter education and illiteracy, family voting, lack of registration documents, and other legal and administrative barriers were discussed during the meeting. More information about the event is available at: <http://www.osce.org/odihr/128111>. A report of the meeting will be made available in spring 2015.

ODIHR also worked on the issue of Roma and Sinti youth political participation at the Roma and Sinti Youth Conference held in Belgrade on 8 and 9 December 2014. Young participants highlighted the lack of resources and motivation of young educated Roma and Sinti to engage in political life. They called on participating States and OSCE structures to support capacity building programs that would enable young Roma and Sinti gain the skills and knowledge necessary for entering politics. They also noted that facilitating contact with mainstream parties is an important element of enabling increased participation. Support for activities such as monitoring parliamentary activity, contact with Roma and Sinti representatives were demanded. Voter education targeting specifically Roma and Sinti youth and women were called for, and innovative methodologies such as forum theatre and “mock elections” were proposed. More information about the event is available at <http://www.osce.org/odihr/130531>. A report of the conference will be made available in early 2015

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| **Democratization** |

**Trends and challenges.** Significant advances have been made in promoting gender equality and equal participation in political and public affairs, yet women continue to be under-represented in public institutions particularly in decision-making positions at the national and local level. While women’s representation in parliaments in the OSCE region now stands at an average of 24.8 per cent, there is a wide variation among participating States from a high of 50 per cent to around 10 per cent in a few states.

The OSCE average falls well below the 40 per cent target recommended by the Council of Europe in its Resolution (2003) on Women’s Political Participation in Decision Making. Only a handful of participating States have reached the United Nations target of a 30 per cent threshold for women’s representation, commonly referred to as the “critical mass”. Furthermore, since local politics often serves as the springboard to national elected office, OSCE/ODIHR began to collect comparative data on women’s representation in local councils and mayoral offices. With an average of only 12.3 per cent women in mayoral positions in selected OSCE participating States, further interventions and efforts are needed to remedy the situation of unequal participation and representation on the local level.

Many OSCE participating States are experiencing a *trend* towards a general decline in traditional forms of political participation. Voter turnout in general elections is declining in the population as a whole. The global trend towards a declining voter turnout in parliamentary elections which currently stands at 65% in the world and 60% in Europe[[13]](#footnote-13), while youth absenteeism in European Parliament elections stands at 65%[[14]](#footnote-14), is an alarming sign provoking inequalities in democratic societies. In fact, voter turnout in the OSCE region is generally the lowest among the youngest age categories of eligible voters.

If political parties and elections were the only means of being politically active, one might conclude that young people are far more dissatisfied withpolitics than their elders. Yet, some research concludes that personal commitment and faith in political involvement are stronger amongst young people than in other age groups.[[15]](#footnote-15) When it comes to unconventional forms of political participation (e.g. online political activism), the gap in participation between youth and other age groups is a virtually nonexistent, often indicating a higher level of participation of youth.[[16]](#footnote-16)

Political parties are a fundamental element of any pluralistic democracy and are critical instruments for citizens’ participation in political life. One of the OSCE/ODIHR objectives is to support participating States in developing political parties and multi-party systems and to ensure that all political actors work to preserve pluralistic political system regardless of which party is in power.

OSCE/ODIHR provides support to OSCE participating States to establish a well-functioning regulatory framework to create an environment in which political parties can most effectively perform their democratic functions and promote political participation. Such regulatory frameworks are based on principles rooted in OSCE commitments and outlined in the [*2010 OSCE/ODIHR- Venice Commission Guidelines on Political Party Regulation.*](http://www.osce.org/odihr/77812?download=true)

Data from the World Values Survey[[17]](#footnote-17) suggest that, public trust in political parties is not particularly strong in any established democracy. As political parties have been broadly recognized as vehicles for governance, the lack of trust in political parties has negatively translated into a lower level of public trust in Parliaments. According to the 2013 Transparency International Corruption Index, if applied to the OSCE region, 40 out of 57 participating States parliaments are seen as corrupt or extremely corrupt by almost 60% of their populations. In the European Union, Euro barometer surveys show an increasing decline in trust in national Parliaments from 57 to 31% in the last five years (2007-2012).

With the rise of information and communication technologies (ICT), political participation has been enriched with new forms and formats of political participation and mobilization that have affected ways citizens perceive political participation and democracy. The OSCE institutions and structures have taken an interest in assessing and defining the interaction between the Internet, human rights and democracy standards. As Ireland, the OSCE’s Chair-in-Office for 2012, stated in its priorities paper, “*human rights and fundamental freedoms do not change with new technologies, but extend into the digital age.”[[18]](#footnote-18)* This statement fits within the broader framework of OSCE commitments on democratic governance and ODIHR’s specific democratic institution-building mandate.

**Good practices in advancing women’s political participation.** While the trend appears to be a slow increase year on year, ODIHR *Gender Equality in Elected Office: A Six-Step Action Plan* found that, should recent trends in women’s political representation continue, the goal of gender parity in elected office in the OSCE region would require more than 50 years to achieve without concerted institutional interventions. [[19]](#footnote-19) Worldwide, it will take more than 150 years. In turn, ODIHR works to promote gender equality in all aspects of the political process to advance women’s participation in political parties, parliaments, elected office, and at the local level.

All political actors should be encouraged “to promote equal participation of women and men in political parties, with a view to achieving better gender-balanced representation in elected public offices at all levels of decision-making.”[[20]](#footnote-20) Special attention should be paid to strengthening internal party democracy and including a gender perspective into political party regulation, so that both women and men are able to access political party structures and resources on an equal footing, as outlined in the *ODIHR* [*Handbook on Promoting Women’s Participation in Political Parties*](http://www.osce.org/odihr/120877)*.* In 2014, ODIHR also finalized its *political party gender audit methodology[[21]](#footnote-21),* which assesses gaps and good practices in promoting gender equality and women’s participation in key internal party processes, procedures, structures and policies.

OSCE participating States have committed to *“consider possible legislative measures, which would facilitate a more balanced participation of women and men in political and public life and especially in decision-making.”[[22]](#footnote-22)* This can be done by identifying and remedying discriminatory laws and policies, and sharing good practices for women’s engagement in democratic processes. Women’s participation in parliaments should be promoted by mainstreaming gender issues into parliamentary procedures, priorities, and budgets. Structures and initiatives that support parliamentary women’s caucuses and enable women to influence policy and legislative agendas should be strengthened, as outlined in the ODIHR [*Comparative Study of Structures for Women MPs in the OSCE Region*](http://www.osce.org/odihr/105940)*.* The publication presents an eight-step framework for the effective establishment and running of women’s parliamentary caucuses.

Similar trends of unequal participation of women and men can be identified in the field of elections as well, when observing women’s participation as electoral candidates, and members of electoral administration. Practical steps to be taken by election observation missions to integrate a gender perspective are outlined in the ODIHR [*Handbook for Monitoring Women’s Participation in Elections*](http://www.osce.org/odihr/elections/13938)*.*

**Good practices in advancing youth political participation.** In 2014 ODIHR has increasingly engaged OSCE participating States on youth political participation through its project “Promoting and increasing youth political participation and civic engagement in the OSCE region”. The project objective has been to build the capacity of youth activists and regional networks of young leaders to develop systematic approaches to advance youth political participation. For this purpose, ODIHR developed three research papers reflecting the methodological approach developed by ODIHR on different forms of youth political participation. The research papers were developed ahead of the two Youth Leadership Forums organized in Warsaw in 2014 and gathered almost 100 young leaders and experts from 37 participating States, from North America to Europe to Central Asia and Mongolia. Participants were young leaders (aged 20-35) such as young politicians, members of parliament as well as government officials, city councilors, policy and political advisors. The Youth Leadership Forums presented an overview of good practices from the OSCE region and introduced participants to the OSCE, the OSCE Human Dimension Commitments and particularly key OSCE areas related to gender equality and the challenges arising from gender inequality as regards to women’s political participation. The Forums contributed to improving the capacities of youth and youth networks in developing their skills and abilities to present concrete recommendations on youth engagement to policymakers and political actors.

**Regulatory framework.** According to the *ODIHR-Venice Commission Guidelines on Political Party Regulation (2010)*,[[23]](#footnote-23) in respecting universal and regional instruments designed to ensure equality for women, as well as general principles for non-discrimination, legislation should endeavor to ensure that women are able to participate fully in political parties as a fundamental means for the full enjoyment of their political rights. There are a number of ways of achieving this goal, some of which are related to internal party regulations, whilst others may be contained in political party legislation. Gender equality may be promoted through the creation of a “women’s section” or “gender division” within political parties; by introducing electoral gender quotas that could increase women’s parliamentary representation (for instance a legal requirement of gender balance in candidacy and party lists, with strict rank-order rule to remove the risk that women are placed too low on party lists to have a real chance of being elected); by providing training and capacity-building programmes developed for female members and potential candidates prior to their selection; by adopting, implementing or evaluating gender-equality strategies, plans and programmes at different levels, including specific action plans to achieve balanced participation and representation of women and men in internal political party offices; or by recognizing and considering the family responsibilities of party members.

Where quotas are mandated, concerns exist that these quotas will, in essence, create a ceiling to gender advancement by requiring parties to retain women in low-level seats to ensure compliance; it is therefore important to ensure that such quotas effectively allow women to progress to positions of leadership, rather than create de facto restrictions on their progression. It is a good practice to periodically review quotas to assess whether they should be maintained at the same level or their number should be increased, particularly at lower levels of government.

There should be a variety of sanctions available when parties do not comply with legal measures aimed at ensuring gender equality. Sanctions may range from financial measures, such as the denial or reduction of public funding, to stronger, legal measures, such as the removal of the party’s electoral list from the ballot. In all cases, sanctions should be proportionate to the nature of the violation.

Public funding can also be a valuable tool to further gender equality, for example where allocation of public funds to political parties is made contingent on compliance with requirements for women’s participation.

State funding and access to public resources is also capable of promoting the role of women and minority groups in public and political life by, for example, providing financial support to certain associations that take positive measures to ensure equality of representation, promote the position of women in society for the purpose of gender equality or enhance the public and political participation of minorities. Support to civil society organizations and to programmes that facilitate women’s participation in political and other leadership activities, including peer support and capacity development for new office holders, is also important.

Finally, the organization of public campaigns and support for women’s political involvement are key to achieving a deeper understanding among public officials and the public in general that equal participation of women and men in the decision-making process, and access to power, are fundamental for the achievement of equality, development and peace.

**Good practices in population registration to ensure access to rights and services from the OSCE Region.** Population registration is not the subject of specific OSCE commitments. It is, however, a means to achieving the implementation of fundamental commitments and international standards in three distinct areas: the rule of law, the right to vote and to freedom of movement (particularly in respect of the choice of a place of residence). Population registration is also part of the shared tradition of many, but not all, of the 57 OSCE participating States.

Continuing population registration enables OSCE participating State authorities to ensure their citizens’ access to various rights and services for it provides a framework for the recognition of a person’s identity and the basis for the distribution of services delivered based on residency criteria.

ODIHR has published *Guidelines on Population Registration* to provide practitioners, relevant authorities and political decision-makers in OSCE participating States with a tool to assess the efficiency of their national population-registration systems and, when necessary, in reforming them.[[24]](#footnote-24)

**Good practices on public participation of migrants in the OSCE Region.** The OSCE participating States have agreed to a large number of commitments in the field of political participation in democratic governance processes, including those related to the participation of migrants, such as:

* The obligation to respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination and the right of individuals and groups to establish their own political parties or other political organization; including the guarantee of the right of association and the right to freedom of expression including the right to communication.
* The obligation to promote the integration of migrant workers in host societies of participating States, in which they lawfully reside, while encouraging their active participation in integration processes.

The OSCE/ODIHR Guidelines on Political Party Regulation also highlight that while international obligations recognize nationality and citizenship as reasonable criteria to restrict political participation rights to these groups, human rights instruments applicable in the OSCE region provide foreign nationals and stateless persons with the same general protection of rights as they do citizens.

Members of migrant groups have different opportunities for political participation across the OSCE region. Such participation is dependent on specific opportunities made available to these groups in their host participating States: for example, whether election rules grant or deny them voting rights and at which level, the extent to which political parties and/or institutions have formal consultative bodies or channels for liaising with migrant groups, and whether they facilitate the political representation of such groups.[[25]](#footnote-25)

Electoral rights and membership of and participation in political parties for migrants depend mostly on the legal regulation of their access to citizenship in the host State. Some OSCE participating States have enfranchised migrants in the context of local elections. The European Convention on the Participation of Foreigners in Public Life at the Local Level can be seen as setting a standard within Council of Europe Member States which are also members of the OSCE region to allow foreign residents to vote and stand in local elections. However, only 8 OSCE Participating States have ratified this Convention so far, of which two States have chosen to exclude the provisions on local elections from their ratifications.[[26]](#footnote-26)

Another good practice in the OSCE region can be found in OSCE participating States which are also members of the European Union. EU law grants citizens of the 28 EU Member States, the right to vote and to stand as candidates in local (municipal) elections in their Member State of residence, under the same conditions as nationals of that State (certain period of domicile etc.).[[27]](#footnote-27) However in a majority of these States other categories of migrants, which are not nationals of EU Member States, are not entitled to vote in the local elections.

1. http://www.osce.org/odihr/elections/107073 [↑](#footnote-ref-1)
2. OSCE Ministerial Council, Decision No. 3/03, “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area”, Maastricht, 1 and 2 December 2003, available at: <http://www.osce.org/odihr/17554>. [↑](#footnote-ref-2)
3. “Implementation of the Action Plan on Improving the Situation of Roma and Sinti within OSCE Area, Status Report 2008”, OSCE/ODIHR, 2008, available at: <<http://www.osce.org/odihr/33500>> and “Implementation of the Action Plan on Improving the Situation of Roma and Sinti in OSCE Area, Status Report 2013”, OSCE/ODIHR, 2013, available at: <http://www.osce.org/odihr/107406>. [↑](#footnote-ref-3)
4. According to the Central Electoral Bureau for the 2012 local elections, a total of 40,256 local councillor mandates were attributed during the 2012 local elections to political competitors. Please see: Biroul Electoral Central, Alegeri Locale 2012, Rezultate, at: <<http://www.beclocale2012.ro/>>. The 161 mandates won by Roma competitors represent 0.39 per cent of the mandates. The Council of Europe (CoE) estimated the Roma population in Romania at 1,850,000 or 9.19 per cent of the total population. Please see: CoE Estimates on Roma population at: <<http://www.coe.int/en/web/portal/roma>> and Recensamntul Populatiei si al Locuintelor 2011, Rezultate, at: <<http://www.recensamantromania.ro/>>. [↑](#footnote-ref-4)
5. “Atlas rómskych komunít 2013“, Úrad splnomocnenca vlády SR pre rómske komunity, Združenie miest a obcí Slovenska, Ustav romskych studii na Presovskej univerzite, UNDP, Bratislava, 2013, p. 62, available at: < http://www.minv.sk/?atlas\_2013> [↑](#footnote-ref-5)
6. The two elected Members of the European Parliament or Roma origin are Mr. Damian Draghici (Social Democratic Party, Romania) and Ms. Soraya Post (Feminist Initiative, Sweden). [↑](#footnote-ref-6)
7. Council of Europe Roma population estimates, available at: <<http://hub.coe.int/web/coe-portal/roma>>. [↑](#footnote-ref-7)
8. Oleh Protsyk,“Representation of minorities in the Romanian parliament”, IPU and UNDP, 2010, p. 9, available at: <<http://www.ipu.org/splz-e/chiapas10/romania.pdf> > [↑](#footnote-ref-8)
9. Siniša-Senad Musić, “Gender Dimension of Roma National Minority Councils in the Republic of Croatia: Case Study”, December 2013, p. 23-24, < <http://bpri-odihr.org/documents.html>>. [↑](#footnote-ref-9)
10. For more information please see the website of the Serbian Election Commission, at: < <http://www.rik.parlament.gov.rs/cirilica/saopstenja_frames.htm>>. [↑](#footnote-ref-10)
11. Stefan Krause, “Expert Paper. Mapping the Electoral Participation of Roma in South-Eastern Europe”,

 ODIHR – European Commission joint project, available at: < <http://www.osce.org/odihr/23693?download=true>>. [↑](#footnote-ref-11)
12. Hotararea Guvernului Republicii Moldova Nr. 494 din 08.072012 cu Privire la Aprobarea Planului de Actiuni Privind Sustinerea Populatiei de Etnie Roma din Republica Moldova pentru Anii 2011 -2015, Capitolul 7, Punctul 74, Monitorul Oficial Nr. 114 – 116 art Nr. 565, 15 Iulie 2011. [↑](#footnote-ref-12)
13. Source: <http://www.idea.int/vt/analyzer/index.cfm#ps&m=1&f=0&t=0&tm=0&ts=1945-2015&g=r50&r=0> ) [↑](#footnote-ref-13)
14. Source: <http://www.idea.int/resources/analysis/loader.cfm?csModule=security/getfile&pageID=61587> [↑](#footnote-ref-14)
15. EU Youth Report (2012), available online: http://ec.europa.eu/youth/documents/national\_youth\_reports\_2012/eu\_youth\_report\_swd\_situation\_of\_young\_people.pdf [↑](#footnote-ref-15)
16. See Barnes et al., 1979 [↑](#footnote-ref-16)
17. <https://partyfundingreform.files.wordpress.com/2010/08/confidence-in-political-parties.pdf> [↑](#footnote-ref-17)
18. Eamon Gilmore. (12 January 2012). “Address by OSCE Chairperson-in-Office”. Vienna. Available at: <http://www.osce.org/cio/86962>. [↑](#footnote-ref-18)
19. ODIHR [*Gender Equality in Elected Office: A Six-Step Action Plan*](http://www.osce.org/odihr/78432)*,* Warsaw, 2011. [↑](#footnote-ref-19)
20. [OSCE Ministerial Council Decision No. 07/09 on Women’s Participation in Political and Public Life](http://www.osce.org/mc/40710?download=true), Article 3. [↑](#footnote-ref-20)
21. *Gender Audit of a Political Party – Template* is available in the *ODIHR* [*Handbook on Promoting Women’s Participation in Political Parties*](http://www.osce.org/odihr/120877)*,* Annex 2, page 183. [↑](#footnote-ref-21)
22. [OSCE Ministerial Council Decision No. 07/09 on Women’s Participation in Political and Public Life](http://www.osce.org/mc/40710?download=true), Article 2. [↑](#footnote-ref-22)
23. Available at <http://www.legislationline.org/documents/id/16054>. [↑](#footnote-ref-23)
24. ODIHR Guidelines on Population Registration (2009), http://www.osce.org/odihr/39496?download=true [↑](#footnote-ref-24)
25. B.Zani, M.Barrett, “Engaged citizens? Political participation and social engagement among youth, women, minorities, and migrants”, Human Affairs, 22, 2012, pp. 273-282, available at <http://epubs.surrey.ac.uk/712133/1/2012%20Zani%20Barret%20Introduction%20special%20issue%20FINAL.pdf>, p.5. [↑](#footnote-ref-25)
26. Albania, Denmark, Finland, Iceland, Italy, Netherlands, Norway and Sweden. However Italy and Albania excluded the provisions on local elections from their ratification declarations. [↑](#footnote-ref-26)
27. Clause (b), Para. 1, Article 20 and Article 20, the Treaty on the Functioning of the European Union. [↑](#footnote-ref-27)