



HANDBOOK
FOR MONITORING
WOMEN'S
PARTICIPATION
IN ELECTIONS

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Designed by Damla Sürar, Geneva, Switzerland
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INTRODUCTION

A. THE PURPOSE OF THIS HANDBOOK

All OSCE participating States recognize equality between women and men as a fundamental aspect of a just and democratic society. They are committed to promote equal opportunities for the full participation of women in all aspects of political and public life. This handbook provides basic guidance to all OSCE/ODIHR Election Observation Missions (EOM) on monitoring women's participation in electoral processes. It has been developed as part of the ODIHR's effort to enhance equality between women and men by mainstreaming gender issues into all areas of its work. The handbook sets out practical steps to be taken by each EOM to integrate a gender perspective into its work, supplementing the information in the ODIHR *Election Observation Handbook* and other materials prepared by the ODIHR.

The guidance provided in this handbook is intended to ensure that as each Election Observation Mission draws conclusions on the extent to which an election process meets OSCE commitments and reflects universal principles, it takes fully into account how the election process affects both women and men. An election cannot possibly fulfill OSCE commitments or meet other international standards unless it includes the opportunity for full and equal participation by women.

Reaching accurate conclusions on these issues requires the awareness and input of all EOM members. Monitoring the equal participation of women in the election process is a shared responsibility of every member of the Election Observation Mission, including the core team and long- and short-term observers.

B. HOW TO USE THIS HANDBOOK

This handbook has been designed as a working tool. It should assist all EOMs in identifying and assessing the various elements that may impact on women's equal political participation. The handbook has been structured to enable EOM members to focus quickly on the material most relevant to their specific responsibilities.

- The opening chapter gives a general overview and essential background on gender and elections that should be valuable to every member of an EOM;
- Subsequent chapters provide basic information on gender aspects of specific components of the election process, organized around the normal structure of an ODIHR Election Observation Mission. Thus, there is a chapter on legal issues designed for the EOM legal analyst, a chapter on election systems for the EOM election analyst, a chapter on political parties for the EOM political analyst, and a chapter on women and the media for the EOM media analyst, as well as a chapter providing guidance for the co-ordinator of long-term observers;
- For an EOM with a full-time gender analyst or an assistant to the gender focal point, a final chapter provides guidance on additional information that would be useful to pursue in further depth whenever possible;
- An annex provides the texts of key OSCE commitments and other international standards relevant to women's participation in elections;
- A number of checklists have been included to help team members get a quick start in pursuing points of inquiry related to the EOM's observation of women's participation, and to provide a quick reminder of issues each team member should try to address. It is not expected that every question will be covered by every EOM.

Since each election environment is unique, all issues explored in this handbook may not be relevant to every election being observed. By the same token, different EOMs will be able to devote more or less emphasis to gender issues depending on their size, length, and resources. Within its resources, however, every EOM takes gender issues into account and includes them in its methodology, its reporting, and, as appropriate, its recommendations.

- ▼ OVERVIEW OF AN ELECTION OBSERVATION MISSION'S ROLE IN MONITORING WOMEN'S PARTICIPATION
- ▼ INTERNATIONAL STANDARDS
- ▼ THE CURRENT STATUS OF WOMEN IN GLOBAL LEADERSHIP
- ▼ SPECIFIC TASKS FOR AN ELECTION OBSERVATION MISSION

1. BACKGROUND TO MONITORING GENDER AND ELECTIONS: INFORMATION FOR ALL MEMBERS OF AN ELECTION OBSERVATION MISSION

A. OVERVIEW OF AN ELECTION OBSERVATION MISSION'S ROLE IN MONITORING WOMEN'S PARTICIPATION

Gender issues affect all aspects of an election and are therefore an integral part of an Election Observation Mission's work. All EOM members should be aware of how gender issues relate to their specific areas of responsibility within the EOM. In performing their duties, they should consider how legal, political, and social structures affect women as well as men in the electoral process. For example, the work of the EOM will include looking at women's participation as voters, candidates, and elected representatives; the participation of women in leadership roles within state institutions, electoral commissions, and political parties; and how the legal framework and media structures affect women as well as men. All EOM members should pursue information about women's participation as they conduct the activities normally associated with their assigned duties, and they should draw appropriate conclusions on how national structures and practices affect women's political participation.

Like other elements of an Election Observation Mission, gender monitoring is intended to collect information, assess the extent to which law and practice meet OSCE commitments and international standards, and then make constructive recommendations for the host country. Every meeting with an official, a political party, media representative, or an NGO provides an opportunity to gain insights regarding the rights of women, any barriers to their equal participation in public life, and reforms that might help overcome discrimination where it exists.

The head of each Election Observation Mission will direct its work in meeting the ODIHR's gender-monitoring objectives. As frequently as possible, a gender analyst will

be assigned to the Mission. When this is not possible, another member of the core team should be designated as the gender focal point to co-ordinate the Mission's work on gender issues. The gender analyst or gender focal point should be prepared to brief team members and to provide additional guidance on circumstances that may warrant special attention.

B. INTERNATIONAL STANDARDS

Within the OSCE, the Copenhagen Document¹ contains most of the basic commitments specifically relating to elections. However, many other OSCE commitments are also critical to the conduct of democratic elections, including commitments on non-discrimination, political rights, and the rule of law. Non-discrimination provisions can be particularly relevant to gender and women's rights. Paragraph 5.9 of the Copenhagen Document commits participating States to "prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground".

The principal OSCE standards on gender equality are included in the Moscow Document² and the Charter for European Security,³ both of which commit participating States to promote equality between women and men. Paragraph 23 of the Charter for European Security, for example, states that, "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, both at the level of our States and within the Organization."

In addition, almost all OSCE participating States have ratified international treaties or other documents promoting equality between men and women, including in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Covenant on Civil and Political Rights (ICCPR).

An annex to this handbook provides the texts of some key international standards on gender equality and women's human rights that are particularly relevant for electoral processes.

C. THE CURRENT STATUS OF WOMEN IN GLOBAL LEADERSHIP

Advancing equal participation of women in public life is still very much a work in progress, both around the world and in OSCE participating States. Within the OSCE,

¹ Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 1990. The text of this and other OSCE documents can be found on the OSCE website: www.osce.org.

² Document of the Moscow Meeting of the Conference on the Human Dimension, 1991.

³ Charter for European Security, Istanbul, 1999.

the average percentage of women's representation in parliaments is only about 15 per cent, a figure just slightly higher than the worldwide average of about 13 per cent.

To put this figure into another perspective, the United Nations Development Program has assessed that the "critical mass" that enables women as a group to exert a meaningful influence in legislative bodies is 30 per cent. Only in a handful of countries has this level been achieved.

The low numbers of women in leadership positions extends also to the executive branch, where the percentages of women heads of government and women cabinet members are even lower than their levels in parliaments. For example, only about 7 per cent of the world's cabinet ministers are women.

D. SPECIFIC TASKS FOR AN ELECTION OBSERVATION MISSION

In order to analyse effectively the status of women in politics and in the electoral process, each EOM will need to collect and assess at least a minimum amount of statistical and other information. Missions with a full-time gender analyst should be able to obtain and analyse information in much greater depth (see Chapter 7). The statistical data collected should provide a profile of the environment in which the elections are taking place and can also be used as a basis of comparison for determining positive or negative trends regarding the advancement of women within the country being observed. The data can also be used to help determine what kind of measures could be adopted by governments and political parties to increase women's representation. Eventually, the data might also help suggest what sort of technical-assistance programmes the ODIHR or others might consider implementing to promote women's participation.

At a minimum, an EOM should attempt to obtain and report basic statistical data such as:

- ▶▶ The respective numbers of men and women members in the newly elected and outgoing parliaments (or other bodies for which elections are being observed) and, to the extent available, from prior parliaments as well. These figures will help to establish trends in women's participation and representation;
- ▶▶ The number and proportion of women serving as cabinet ministers in the incoming and outgoing governments. If women hold many senior government positions outside the cabinet, for example, high-court judgeships, this is also worth taking into account;

- ▶▶ The number of women serving as party leaders;
- ▶▶ The ratio of men to women among candidates. In elections using party lists, another important statistic is the number of women placed in “winnable” positions;
- ▶▶ The degree to which women hold positions on the body responsible for administering elections, normally the central election commission, and on lower levels of the election administration;
- ▶▶ The numbers and proportions in which women and men are registered to vote.

Statistics are usually available through a variety of sources, including government ministries, statistics offices, election commissions, local government offices, political parties, and NGOs.

Beyond statistical data, throughout the Election Observation Mission, team members should also acquire other types of information about women’s place in society and their participation in the political process. Based on meetings with candidates, political parties, government officials, civic activists, journalists, academics, judges, and others, the team can also formulate impressions about social attitudes towards women and their acceptance as leaders and decision makers. The EOM should seek to answer the following questions:

- ▶▶ Do women have an equal opportunity to take part in the political process? If not, what barriers stand in their way? In particular, are there any legal obstacles to women’s equal participation as voters, candidates, or elected leaders?
- ▶▶ If opportunities are equal, are women taking advantage of them, and if not, why not? For example, are rates of illiteracy, unemployment, or poverty higher among women? Are there other political or societal barriers to women’s participation?
- ▶▶ Are there any particular regional, minority, ethnic, or religious groups among which women’s participation is appreciably lower than among the general population?
- ▶▶ Could any changes be made to law or practice that would result in greater or more equal participation by women? If so, what are they?

Information resulting from such questions should be included as part of the EOM’s final report.

CHECKLIST OF BASIC QUANTITATIVE INFORMATION

WOMEN'S REPRESENTATION

- What is the gender breakdown of the outgoing and previous parliaments (local assemblies)?
- How many women are ministers in government (mayors)?
- What are the numbers and proportions of men and women serving on central and regional electoral bodies?

CANDIDATES

- For each party, what is the gender breakdown of their candidates?
- Of the women on each party candidate list, how many are in winnable positions?
- How many women are running as independent candidates?

VOTERS

- How many voters of each sex are registered?
- Are there disparities in some regions, for example, in areas with high concentrations of minorities, or in areas impacted by conflict?

RESULTS

- How many women were elected? What percentage of the body elected does this represent?
- Will there be more or fewer women than in the outgoing parliament? Is there a trend towards electing more women or fewer?

- ▼ GENERAL ASSESSMENT OF THE LEGAL FRAMEWORK
- ▼ CONSTITUTIONAL ENTRENCHMENT OF WOMEN'S RIGHTS
- ▼ OTHER LAWS AFFECTING WOMEN'S EQUALITY AND POLITICAL PARTICIPATION
- ▼ POSSIBLE IMPEDIMENTS TO THE LEGAL PROTECTION OF WOMEN'S RIGHTS

2. THE LEGAL CONTEXT: ROLE OF THE LEGAL ANALYST

A. GENERAL ASSESSMENT OF THE LEGAL FRAMEWORK

An EOM's legal analyst has the primary responsibility for assessing the extent to which a country's constitutional and legal framework meet OSCE commitments and international standards for equal participation by women and men in political life and electoral processes. This should be an integral part of the more general assessment of the legal framework undertaken as part of the work of every EOM. The legal analyst must assess whether an election is being held in a legal context that guarantees rights to every person on an equal and non-discriminatory basis and whether state institutions ensure that those guarantees are effectively implemented and enforced.

The methodology for undertaking an assessment of the electoral process as a whole is outlined in the *Guidelines for Reviewing a Legal Framework for Elections*,⁴ published by the ODIHR in January 2001. This chapter focuses more specifically on whether the legal context lays the foundation for gender equality in public life.

The assessment should take particular account of whether the legal framework – as it relates to gender and elections – is in accord with key OSCE commitments under the Copenhagen Document, the Moscow Document, and the Charter for European Security. It should also assess whether the legal framework and its implementation are in accord with other international standards and obligations entered into by the country in question. In particular, these might include relevant provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination against Women. These international standards have been adopted by the vast majority of OSCE participating States.

⁴ The text is available on the ODIHR website at www.osce.org/odihr.

B. CONSTITUTIONAL ENTRENCHMENT OF WOMEN'S RIGHTS

A first step in assessing the impact of the legal framework on women and elections is to determine the extent to which a country's constitution guarantees equal human rights for women, equal opportunities for political participation by women, and freedom from discrimination on the basis of gender. If the constitution is silent, ambiguous, or less than forthcoming on the equal rights of women, this may provide insights regarding the general standing of women in society, and in the political arena.

The constitutions of most countries around the world, and among OSCE participating States in particular, have provisions that guarantee human rights. However, wide variations among nations may reflect political and cultural traditions under which the reality of equal rights for women lags well behind the promise, even in countries where equality is constitutionally mandated. It is common for constitutions to include guarantees that citizens are equal before the law and that specifically prohibit discrimination on the basis of sex. CEDAW commits states parties to “embody the principle of the equality of men and women in their national constitutions or other appropriate legislation...”⁵

The EOM should determine if there are constitutional provisions that specifically or potentially may have a negative impact on the equality and/or political participation of women. For example, the EOM should note if the constitution guarantees not only suffrage rights, but also the right of all citizens to stand for office and to be elected.

C. OTHER LAWS AFFECTING WOMEN'S EQUALITY AND POLITICAL PARTICIPATION

Beyond the constitution, equal rights for women and the extent of women's participation in the electoral process can be affected by a variety of other legislation. It can therefore be helpful to review other laws to gain insights into the broader legal context that could impact on the ability of women to participate fully in public life, in particular as leaders and decision makers. These could include:

- » The election law and other laws directly related to the electoral process, such as the law on political parties. Any overtly discriminatory provisions in such laws should be highlighted by the EOM. The EOM should also consider whether any provisions of these laws might work indirectly to the disadvantage of women. For example, a requirement that candidates present an unusually high number of signatures to qualify for the ballot, or a requirement for a substantial monetary deposit for candidates might disprop-

⁵ CEDAW, Article 2 (a). The text of this and other UN human-rights documents can be found at www.unhchr.ch.

portionately affect women in countries where women have not traditionally played an active part as candidates or where women's income is appreciably lower than men's. Some election or political-party laws may stipulate quotas for women; these are discussed in the next chapter of this handbook, since quotas are not strictly a legal issue;

- » If a separate law has been enacted that addresses the equality of men and women, this should also be reviewed to assess whether and how it impacts upon the electoral process. In particular, if provisions of the separate act are inconsistent with aspects of the election law, the discrepancies should be examined and assessed;
- » The EOM should assess, where possible, the extent to which anti-discrimination provisions exist in national law with regard to women, whether these are effectively implemented and enforced, and the effect of any such provisions on the electoral process;
- » If a country is a party to the ICCPR, CEDAW, or other international human-rights treaties, the EOM legal analyst should determine whether these treaties are self-executing under domestic law and whether they have higher status than domestic law within the national legal framework. Their implementation should also be taken into account as part of the EOM's analysis of the overall legal framework and its implementation.

When evidence suggests that the role of women in public life and leadership is significantly low, a review of other laws may demonstrate the reasons why. For example, laws related to personal status, family and guardianship, employment, taxes, inheritance and property, and penal codes may provide insights.

D. POSSIBLE IMPEDIMENTS TO THE LEGAL PROTECTION OF WOMEN'S RIGHTS

In order to ensure the equality of women in the political process, it is important to consider not only the legislative framework, but also the extent to which laws guaranteeing women's equality are being effectively implemented and enforced. Clearly, the value of legislation guaranteeing the rights of women is diminished if the laws are not enforced, if they are vulnerable to subjective interpretation, or if women are not aware of them.

Ideally, institutions charged with the enforcement of human rights and gender-equality laws should understand the principles involved and the importance of their roles in advancing them. This may not always be the case, however, particularly in societies

where traditional cultural approaches are still entrenched, or in transitional countries where reform of the judiciary and of the police forces may not have kept pace with reform of the legislative codes.

Even when appropriate laws exist, they are sometimes not enforced because no agency is designated as clearly responsible, or because those responsible do not have the legal authority or administrative mechanisms and resources to follow through. Sometimes, officials simply fail to act. In other instances, the appeals process fails to provide meaningful remedies. Within the context of an election, observers should be watchful for such circumstances.

Inadequate or selective enforcement of laws may also work more to the disadvantage of women than men in some instances. For example, if limits on campaign spending are not adequately enforced, this can unfairly disadvantage women candidates in countries with significant income disparities between men and women. In countries where intimidation of voters or candidates is a problem, the EOM should assess whether this affects women more than men. Women may also be disproportionately disadvantaged if electoral legislation is so vague as to be vulnerable to manipulative interpretations. For example, if a law is unclear as to how the signatures on a nominating petition must be verified, it could lead to more stringent criteria being used for some candidates than others. The EOM should be alert to any such practices and should note if they appear to be used improperly to disqualify women candidates.

Sometimes, women have neither sufficient knowledge about their rights nor avenues of legal recourse open to them should their rights be abridged. The EOM should therefore seek to assess whether women have adequate access to legal information, legal assistance, and effective remedies. This may be especially important during the time period in which election grievances must be raised and resolved, which is often very short. Electoral complaints and appeals are always a key issue for an EOM. As part of their analysis of the complaints and appeals processes, the EOM should consider whether these processes are equally responsive and effective for women voters and candidates as for men.

POINTS OF INQUIRY: THE LEGAL CONTEXT

CONSTITUTIONAL PROVISIONS

- Does the constitution guarantee equal rights for men and women? Is there a specific provision that guarantees their equality? Does the constitution guarantee men and women equal rights to run for public office, hold public office, or serve in government posts?
- Are there any constitutional provisions likely to disenfranchise or otherwise disadvantage women?

OTHER LAWS

- Do any laws relating directly to the election include provisions that may disadvantage women?
- Is there a special act that specifically addresses the equality of women and men?
- If a review of other laws seems warranted, do any of them contradict equal-treatment provisions mandated in the constitution or international instruments? If so, which laws? Personal-status laws? Family laws? Inheritance, property, or tax laws? The Penal Code? Others?

WOMEN AND THE LEGAL SYSTEM

- Is there evidence or reason to believe that women do not receive equal treatment before the law? If so, what biases are reflected?
- Within the election context, are there recent or current court cases involving female candidates, representatives of the media, government or election-body officials, or women's NGOs? If so, what were the central issues? If a case has already been resolved, what was the outcome?

- ▼ *ELECTORAL SYSTEMS*
- ▼ *ELEMENTS OF THE ELECTORAL PROCESS THAT AFFECT WOMEN'S PARTICIPATION*
- ▼ *QUOTAS AND AFFIRMATIVE ACTION*
- ▼ *PARTICIPATION IN ELECTION ADMINISTRATION*
- ▼ *VOTER REGISTRATION*

3. THE ELECTORAL SYSTEM AND ELECTION ADMINISTRATION: ROLE OF THE ELECTION ANALYST

The EOM election analyst has the primary responsibility for assessing how a country's electoral structures affect the political participation and equal rights of women. This includes the type of election system and such issues as voter registration, candidate registration, and the voting process. As part of its normal assessment of the functioning and effectiveness of the election administration, the EOM should assess the extent to which election commissions at various levels include women in their membership and leadership and the extent to which they are aware of gender considerations and take them into account in their work. The following sections provide general guidance on key issues to consider.

A. ELECTORAL SYSTEMS

A correlation seems to exist between types of electoral systems and the advancement of women as elected officials, even in states where the status of economic development and cultural tradition would not necessarily bode well for such advancements. In general, somewhat larger numbers of women tend to be elected under proportional systems than under "first-past-the-post" majority or plurality systems, or under mixed systems. However, a particular electoral system will not always predicate positive results for women candidates.

Although it is not the objective of an Election Observation Mission to promote one type of election system over another, the EOM needs to be aware of the specific implications for the successful participation of women of different types of election systems. Most importantly, the EOM must determine if there are features of a country's election system that specifically enhance opportunities for women or that create barriers for, or discriminate against, women.

1. PROPORTIONAL-REPRESENTATION SYSTEMS

Proportional-representation systems – in which parties present lists of candidates – provide greater incentives for parties to include more women among their candidates to attract a broader base of voter support. Proportional systems are also more conducive to implementation of affirmative-action measures than are majority systems. Without the pressure of having to win in a “winner-take-all” majority/plurality system, parties may be more amenable to present a more diversified candidate list that can include more women. Candidate lists offer more potential opportunities for parties to be increasingly responsive to women’s movements or lobbying efforts, both within the party and in the broader electorate.

Proportional-representation systems provide a greater opportunity for smaller parties with focused-issue agendas to emerge. In some OSCE countries, this has led to the emergence of women’s parties.

2. MAJORITY/PLURALITY SYSTEMS

In comparison to proportional-representation systems, single-mandate winner-take-all systems – or majority/plurality systems – may make it more difficult for women candidates to emerge. Such systems generally provide less incentive for parties to promote a woman if a male candidate is seen as maximizing the party’s chances of winning the single seat up for election in a given constituency.

In plurality/majority systems, incumbency can often hinder any new entrants in the political arena, including women. Incumbents enjoy advantages such as name recognition and running from an established position of influence, and they are often in a more favorable fund-raising position. In many countries, the advantages of being the incumbent office-holder greatly enhance prospects for re-election. The traditional dominance of men as office-holders and the tendency to re-elect incumbents can create barriers for new candidates, including women. Nonetheless, this phenomenon could equally benefit women incumbents.

In general, local-assembly elections are based on majority/plurality systems. Since the emergence of women into national political prominence will stem to some extent from women who hold office at local level, the number of women holding local posts could be a barometer for helping to assess women’s future prospects at the national level.

B. ELEMENTS OF THE ELECTORAL PROCESS THAT AFFECT WOMEN'S PARTICIPATION

Standard aspects of election systems – such as thresholds, district magnitude, or types of candidate lists – may have a significant impact on women's electoral prospects. As part of their analysis of the electoral process, the EOM should assess whether these and other aspects of an election system have worked to the advantage of women candidates or have created barriers for them.

Thresholds: In proportional systems, thresholds establish a minimum percentage of the votes that must be achieved for a party to participate in the distribution of seats. 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 5 per cent. Thresholds at higher levels should be assessed carefully by an EOM, as they may result in an inordinate number of “wasted” votes or votes for parties that do not win any seats in parliament.

The EOM should assess how thresholds affect the inclusion of women on political-party candidate lists. A small party with a promise of only limited success may be more prone to place its leading male candidates in the top positions of the candidate list, removing women from contention. On the other hand, because a threshold has the potential to eliminate some smaller parties, outcomes could result in the distribution of seats to candidates further down on the lists of larger parties, providing a greater opportunity for those seats to go to women.

District Magnitude: District magnitude is another element that should be assessed. In proportional systems, district magnitude relates to the number of candidates elected from a single electoral district or jurisdiction. In general, the greater the district magnitude – or the more representatives elected from a single district – the more likely that women will be named as candidates and will be elected. The principle is the same as that for proportional systems in general: where the district magnitude is greater, the pressures associated with single-mandate winner-take-all races are removed, giving political parties a greater incentive to nominate a diverse slate of candidates, including women. In contrast, in majority/plurality systems, smaller district magnitude means that more seats are available, opening more opportunities for women candidates.

Types of Lists: The type of party list utilized in a country can also affect women's representation and should be assessed in this context. A “closed” list system has candidates

listed in a fixed order not subject to alteration by voters. In general, closed list systems are most advantageous for women candidates, provided they are placed sufficiently high on such lists. “Open” list systems allow voters to alter the order of the candidate lists by ranking or expressing preference for some candidates over others on a party’s list. In countries with open lists, voters – including women voters – have tended to favour male candidates, with the result that many women candidates end up in lower positions on the candidate lists than would have been the case for closed lists. However, open lists can sometimes benefit women candidates if support groups can mobilize effectively behind specific women or if voters in general can be mobilized to support women candidates.

C. QUOTAS AND AFFIRMATIVE ACTION

Quotas: In proportional-representation systems involving candidate lists, the chances for women are greatly enhanced when the law specifies minimum levels of representation of both sexes on each party’s candidate list or when parties voluntarily adopt internal policies to promote women as candidates.

The OSCE has no formal position on quotas or on mandatory or voluntary minimum representation for each sex. There are no international standards requiring or prohibiting quotas. The large majority of OSCE participating States have neither mandatory nor voluntary quotas as part of their electoral systems. However, in instances in which the OSCE itself has helped design and administer electoral systems – for example, in Bosnia and Herzegovina and Kosovo – a mandatory gender quota has been included in the system. The Convention on the Elimination of All Forms of Discrimination against Women stipulates that “adoption by States Parties of temporary special measures aimed at accelerating the *de facto* equality between men and women shall not be considered discrimination...”⁶.

As part of its analysis of an electoral system, the EOM should assess any mandatory or voluntary affirmative-action measures or other such features that have been incorporated into the electoral system. The EOM should determine the degree to which any such features succeed or fail in advancing the participation of women. If special measures intended to increase women’s participation did not fulfill their objective, the EOM should try to identify what factors led to their lack of success.

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. At the

⁶ CEDAW, Article 4.1.

same time, an imposed quota of women candidates on party lists may not be particularly effective in ensuring the election of women unless the law also specifies how male and female candidates must be positioned on the list. If women are placed too far down on the lists, even large quotas may not result in their election. A “zippered” list – in which men and women are evenly alternated – provides the best prospects for women to be elected.

Where a quota requirement exists, observers should note whether provisions are included that dictate the manner in which vacancies are filled if, once elected, a candidate fails to accept a post or leaves office before the end of her term. For example, a quota law may require that if a woman resigns or otherwise leaves office prematurely, the replacement candidate must be the next available woman on the candidate list. Without some such procedure, the effectiveness of a quota law could be neutralized over time, especially if women are pressured to resign.

Affirmative Action: Beyond legislative quotas, in some countries political parties have adopted voluntary affirmative-action measures to increase the numbers of women candidates. The functioning and effectiveness of any such measures should be assessed by the EOM.

Another affirmative-action strategy centres on 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 by women in parliaments. Some opponents of such systems have argued that the concept of reserved seats, although intended to set a minimum level for women’s participation in elected bodies, has in practice resulted in setting a psychological upper limit for women’s participation.

D. PARTICIPATION IN ELECTION ADMINISTRATION

The EOM should assess the degree to which women are members of bodies responsible for the conduct of elections and hold leadership positions in these bodies. This should include the central election commission as well as lower-level election bodies. Beyond statistics, the EOM should also assess whether women are truly functioning as leaders and decision makers and how much influence they have in the leadership or other positions they hold. Further, an assessment should be made of the extent to which election

commissions at all levels are aware of gender considerations and take them into account in their work.

E. VOTER REGISTRATION

One of the tasks of an EOM is to assess the accuracy of the voter registers and the proficiency of the voter-registration administration, and to make recommendations on how any deficiencies can be corrected. The EOM should try to determine the proportional gender breakdown on the rolls, although this may not always be possible. Numbers of men and women should be roughly equal, although it is not uncommon for there to be slightly more women. To the extent possible, it is also helpful to make some regional comparisons. If women seem to be underrepresented in a particular region, observers should try to determine the circumstances that caused the anomaly. They may be easily explained, or they may point to underlying societal or institutional conditions that hold women back from fully participating in public life. Depending on the circumstances, observers may have good reason to pursue additional points of inquiry.

Election Observation Missions should be aware of a number of factors that may disadvantage women with regard to registering as voters and should take these into account in analysing voter-registration systems and procedures. Some of these relate to countries with “passive” registration systems, i.e., systems in which civil authorities compile voter lists automatically based on civil residency and other records. Others relate to countries with “affirmative” registration systems, in which the voters themselves must apply to be on the voter lists. Some obstacles may be practical or bureaucratic in nature or due to technical deficiencies or limitations in administrative capacity, while others may be dependent on social or contextual conditions that may pose special difficulties for women. There are a number of such factors that should draw the attention of observers:

- ▶▶ Since women’s names and places of residence often change as a result of marriage, it is important that a system be in place to capture these changes in order not to disenfranchise newly married women. Likewise, since residency records are commonly recorded under the name of the male head of household, it is especially important in countries with passive registration systems that women dependents be included in voter registers drawn from lists of members of households;
- ▶▶ Particularly in the case of affirmative registration systems, a significant issue may relate to the convenience of access to registration offices. Hours of operation, travel time, and distance to appropriate offices can be of particular

concern to women, particularly for women caring for small children. The convenience of access to voter-registration centres can also be relevant during any public scrutiny period provided for voters to check the voter lists to ensure they are included. Observers should also assess whether sufficient notice is given as to the dates and duration of the public scrutiny period, and whether such notice is offered in a form accessible to women, including those homebound with young children;

- ▶▶ Observers should also assess the effectiveness of public information about voter registration and the right to vote. Where women are underrepresented on voter lists, observers should determine if election administrators, local authorities, community leaders, or NGOs are conducting any special programmes designed to reach out to women and to encourage and facilitate their participation;
- ▶▶ In post-conflict societies, it is important that authorities make provisions for displaced persons to be able to vote. One critical issue for displaced persons is their access to the identity or residency documents necessary for registering and voting. Many displaced persons may have lost their documents while fleeing or escaping from hostilities or being forced out of their communities. In such instances, displaced women may be particularly reluctant to pursue new documentation or registration for fear of intimidation. Women in particular may also fear that registering to vote in their former community may result in the loss of entitlements associated with their residency in their current community for themselves and their children.

In all countries, it is also important to understand traditional cultural patterns that may impede women from being registered to vote and participating in elections. Language or literacy barriers may limit a voter's access to registration and may affect women disproportionately based on national literacy rates. Women who are members of minority groups may be especially likely to be affected. Observers should also be sensitive to religious, national, or ethnic cultural traditions that may hinder women's registration. Where such conditions exist, observers should determine what efforts, if any, are made to overcome the conditions that prevent women from registering as voters or from otherwise participating in the electoral process, and if these efforts are having any positive effect.

POINTS OF INQUIRY: ELECTORAL SYSTEM AND ELECTION ADMINISTRATION

ELECTORAL SYSTEM

- How does the choice of a majority/plurality system or proportional-representation system affect the participation and candidacy of women in the election?
 - Do specific aspects of the system affect the chances of women candidates?
 - District magnitude?
 - Thresholds?
- Open- or closed-list voting? If an open list is used, does this work to the advantage or disadvantage of women candidates?
- From the election results, how does it appear that the election system affected the election of women candidates?

QUOTAS AND AFFIRMATIVE ACTION

- Does the law include any quotas or affirmative-action provisions to ensure women are elected? If so, what kinds of measures are provided? What is the level of any quota?
- Does the law mandate placing women in winnable positions on the lists? (As a general rule, winnable positions are often considered the top 10 places on a list.)
 - How are vacancies filled if a woman withdraws from a list?
 - How do officials deal with candidate lists that fail to meet the quota?
 - Are seats set aside or reserved for women? If so, how many?
- Do affirmative-action measures appear to be working to the benefit of women? Are there flaws or omissions that undermine their effect?

PARTICIPATION IN ELECTION ADMINISTRATION

- To what degree are women members of the central election commission and lower-level election administration bodies?
- To what degree do women hold leadership positions in election administration bodies?
- To what degree do women truly function as leaders and decision makers in election administration bodies? How much real influence do they have in the leadership or other positions they hold?
- To what extent are election commissions at all levels aware of gender considerations and take them into account in their work?

VOTER REGISTRATION

- Does the proportionate share of women to men on the voter lists appear reflective of the population at large?
- Are there districts or regions in which women seem significantly underrepresented? If yes, what are the circumstances?
- Are there systemic shortcomings or obstacles in the voter-registration process that are disadvantageous to women?
 - Do authorities keep accurate records of name or address changes?
 - Are registration offices conveniently located for easy access?
- Is information about registration made available in a manner accessible to women?
- Do officials or NGOs engage in voter-registration outreach activities for women?
- Are there special circumstances limiting women's access to documents?
- Are there any language or literacy barriers that disproportionately affect women?
- Are there cultural traditions that tend to inhibit the registration or participation of women? Ethnic or national customs? Traditions associated with religion? General patriarchal traditions? Are authorities taking any measures to overcome them?

- ▼ INTERNAL ORGANIZATION AND IMPLICATIONS FOR WOMEN
- ▼ FACTORS THAT MAY UNDERMINE GOOD INTENTIONS
- ▼ PLATFORMS AND EFFORTS TO ATTRACT WOMEN'S VOTES

4. POLITICAL PARTIES AND THE ADVANCEMENT OF WOMEN: ROLE OF THE POLITICAL ANALYST

The EOM political analyst has the primary responsibility for assessing the level and nature of women's political participation in a particular election. This includes the role of women in political parties and as candidates. It also includes the extent to which political parties integrate women and women's issues into their activities and their campaign strategies.

A. INTERNAL ORGANIZATION AND IMPLICATIONS FOR WOMEN

With the exception of independent candidates, most women aspiring to elected office are dependent on political-party structures for their nominations and their support, both on the campaign trail and following their election. To a great extent, parties determine when and if women will become players in the political arena, and to what degree. It is important, therefore, for observers to assess if and how political parties promote women into leadership positions, whether they select and promote women as candidates, and whether they reach out to attract women voters by addressing issues of special concern to women.

The organization and registration of political parties is usually regulated by law, but within the broad legal framework, parties often have a wide latitude to determine their internal structures and procedures. Even in advanced democracies, political parties vary greatly in the extent to which they apply democratic principles internally, for example, in how candidates are selected and how party candidate lists are drawn up. In general, the more a party follows democratic principles and transparent practices in its internal procedures, the more opportunities will be available for women to emerge as candidates and for issues of special concern to women to emerge as serious campaign issues. The more transparent internal party rules are, the more likely they can be used by activists to

press for equality, to promote women as candidates, and to highlight issues of concern to women. Too often, however, internal party workings lack transparency or accountability even among their own members. In terms of how this affects women's candidacy, there are some general trends worth noting.

- ▶▶ Parties adhering to socially progressive ideologies are often more likely to promote women, as part of a general tendency to support sectors of society traditionally outside the power structure, whether they be women, national minorities, the disabled, or others;
- ▶▶ Especially in newly established democracies, many parties are organized around a single high-profile personality. Under such circumstances, if the leading personality is not a woman, there is often less interest and willingness to create openings for alternative candidates, including women;
- ▶▶ Some evidence suggests that women are more likely to be nominated in parties with decentralized nomination procedures than in parties where candidate nominations are controlled at the centre;
- ▶▶ Often, parties substitute full integration of women into the mainstream of the party organization with the creation of a “women’s wing”. While such party structures may be an important factor in advocacy and inter-party dialogue, in some instances they may result in isolating women and marginalizing their importance within the party.

B. FACTORS THAT MAY UNDERMINE GOOD INTENTIONS

The objective of promoting viable women candidates can be undermined by internal party practices or loopholes that allow for circumvention of the laws or internal rules. The EOM should be alert to some of these practices.

- ▶▶ In countries where a quota system is in place to guarantee that women will appear on the candidate lists, or where parties have voluntarily adopted quotas, these laws or rules can be rendered meaningless unless women are also guaranteed placement in winnable positions on the lists;
- ▶▶ Gender “tokenism” can result from putting forth a mixed candidate list merely to satisfy filing requirements or to appear to have a balanced list but then abandoning it through withdrawals or resignations of women after election day. Any indication of such practices should be carefully scrutinized by the EOM. In particular, any indication that candidates (and especially female candidates) have been required to submit pre-signed letters of resignation before being entered onto a list should raise concern;

- ▶ In countries with preferential voting systems, parties may in some instances not equally support the women on their candidate lists. Some parties may tacitly encourage supporters to cast preference votes for men lower on the lists, or they may not enforce party discipline against candidates who encourage voters to ignore the official order of party lists;
- ▶ Parties may not provide equal or adequate guidance, training, support, or finances to their women candidates.

C. PLATFORMS AND EFFORTS TO ATTRACT WOMEN'S VOTES

The platforms of political parties can provide a reflection of their commitment to women and issues of special concern to women. The kinds of issues that might demonstrate such commitment could include party positions on female unemployment or underemployment, unregulated workers in the “gray economy”, family planning and reproductive health, social services, violence against women, family subsidies, and daycare for children.

When reviewing party platforms, the EOM should assess the extent to which they emphasize positions or policy statements on issues of particular importance to women. Observers should also assess how important political parties consider it to attract women's votes and whether their campaigns target women voters. Another area of interest is whether political parties seek or have the support or endorsement of women's NGOs or advocacy groups. Whether a party pursues such support might be an indicator of its interest and commitment to develop effective programmes that advance priorities with regard to women's interests.

POINTS OF INQUIRY: PARTIES AND CANDIDATES

PARTY ORGANIZATION AND STRUCTURE

- What proportion of the party membership are women? What proportion of the leadership? Are any of the party's members of parliament women?
- How is the party leadership determined? Are there any specific rules addressing nomination or candidacy of women? If so, are these formal, written rules?
- How is the party candidate list determined? Are there any specific rules addressing nomination or candidacy of women? If so, are these formal, written rules?
- How many women are on the candidate list and in which positions?
- Does the party have a women's wing? If so, what are its functions and/or significance?
- Must candidates provide a pre-signed letter of resignation before being put on the list?

CAMPAIGN STRATEGIES

- To what extent does the party platform address issues of particular interest to women?
- Does the party have a strategy for attracting the votes of women?
- Does the party have the endorsement of women's organizations?
- What kind of support does the party give its women candidates? Financial support? Broadcast time? Training on how to campaign effectively? Do women appear on party campaign posters?

PROBLEMS DURING THE PRE-ELECTION PERIOD

- Have any of the party's women candidates encountered intimidation or interference with their campaign efforts? Have these differed from problems encountered by men?
- Have women encountered any other problems during the campaign?

- ▼ *THE MEDIA AND THEIR INFLUENCE ON PUBLIC ATTITUDES*
- ▼ *GENERAL ISSUES TO WATCH*
- ▼ *TECHNIQUES FOR MEDIA MONITORING DURING THE ELECTION CAMPAIGN*

5. WOMEN AND THE MEDIA: ROLE OF THE MEDIA ANALYST

The EOM media analyst is responsible for assessing the quantity and quality of media coverage of women candidates, as well as drawing conclusions on the general nature of media coverage of women in politics. Among other issues to be considered as part of the media analyst's normal duties are the extent to which the media direct political coverage towards women and issues that may be of particular concern to women. Also of interest are the extent to which voter-education efforts are directed at women and whether the types of coverage devoted to women or the use of stereotypes may be obstacles to the advancement of women in the political process.

A. THE MEDIA AND THEIR INFLUENCE ON PUBLIC ATTITUDES

OSCE commitments on democratic elections require that no legal or administrative obstacles stand 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. The EOM should assess whether women candidates face any discrimination in their access to the media.

Beyond the question of equal access, the actual quantity and quality of media coverage of women candidates have a critical influence on their public image and their electoral prospects. A key role of the media in any election is to ensure that the public has sufficient information on candidates and parties to be able to make informed choices. These factors underlie the need to assess whether women candidates are receiving a fair and unbiased share of media campaign coverage. The EOM should therefore examine such questions as whether the media promote the visibility of women candidates, whether they cultivate public acceptance of women as a normal feature of political life, and whether they present women in a manner that promotes public confidence in their ca-

capacity as political leaders. The way in which the media portray women can often be an important indicator of the status of women in society at large.

B. GENERAL ISSUES TO WATCH

The EOM should be alert to the following indicators of media treatment of women.

- ▶ Women candidates often receive less total coverage than their male counterparts, as well as less prominent coverage. Women candidates may also be used less as sources of opinion or information and be less likely to appear as guests on political programmes;
- ▶ Women candidates may receive less coverage of their political positions on issues and more on their personal characteristics and appearance than their male counterparts;
- ▶ As candidates, women may be frequently portrayed within their traditional roles as wives and mothers. Such images can be imposed by the media or might be promoted by political advertising controlled by the parties or candidates themselves. For example, women candidates may often use their status as mothers and caregivers to justify their stands on issues such as education or child care;
- ▶ The importance of so-called women's issues may be devalued if, for example, they are covered in the women's columns rather than in the general news.

C. TECHNIQUES FOR MEDIA MONITORING DURING THE ELECTION CAMPAIGN

When an EOM has a full media-monitoring team to analyse broadcast and print news, political programmes, political advertising, and editorial content on a full-time basis, there may be opportunities to broaden evaluation criteria to identify trends related to the coverage of women and their portrayal.

Typically, a full media-monitoring effort includes an assessment of the comparative amount of time or space afforded to various parties or candidates and whether the tone in a particular article or broadcast is positive or negative. In order to assess the treatment of women candidates compared to their male counterparts, it would be helpful to relate these findings to gender as well.

If this is not practical, or if a full media-monitoring team is not available, it may still be possible within the constraints of time and staffing to conduct a spot analysis – even if not statistically significant – to provide an overview of differences that might exist in the way men and women candidates are covered. Two methods, not necessarily mutually exclusive, might be employed:

- ▶▶ Local staff members could be assigned to view specific broadcasts on the principal television stations at times specified by the media analyst. Each staff member could be assigned a specific news or political programme so that no one would be overburdened;
- ▶▶ Local staff could undertake an in-depth study of numerous publications on a single day at some point shortly before election day.

In each case, staffers could analyse and record their findings related to:

- ▶▶ The number of articles or amount of time devoted to men and women candidates;
- ▶▶ The proportion of print space or airtime devoted to personal characteristics or appearance versus information about issues or political activities of men and women;
- ▶▶ Instances in which women are portrayed in a manner that depicts their traditional roles as wives and mothers;
- ▶▶ Instances where the language, labels, or visuals used tend to diminish the stature or trivialize the accomplishments of women;
- ▶▶ The number of articles that focus on issues of particular concern to women, and whether they are news items or addressed in a feature section targeted at women.

POINTS OF INQUIRY: THE MEDIA

COVERAGE OF WOMEN AND WOMEN'S ISSUES

- How would you characterize the general treatment of women in the mass media?
 - As competent and capable and professional?
 - By traditional stereotypical images as wives and mothers?
 - Sensationalized reporting?
- Where do the print media usually place stories about issues of special concern to women? In the general news? In women's columns or features? Front page?
- Do the media regularly use sexist language or labels for women and women leaders in particular?
- What proportion of television news announcers or hosts on political programmes are women? What proportion of editors or political columnists are women?

COVERAGE OF WOMEN AND ELECTIONS

- Do women candidates have equal access to the media on a non-discriminatory basis?
- Do women candidates receive a comparable quantity and quality of coverage to that of men? If not, how much coverage do men and women receive relative to the number of candidates of each sex?
- Do any discrepancies in amount of coverage result from media choices or political-party choices?
- Is any political advertising directed specifically at women voters?
- Are any voter-education or get-out-the-vote efforts targeted specifically at women?

6. LTOS AND STOS: ROLE OF THE LTO CO-ORDINATOR

The EOM co-ordinator of long-term observers (LTOs) is responsible for ensuring that LTOs are aware of the EOM's priorities with regard to women and elections and that they report information from the field that may be helpful in making assessments and drawing conclusions on these issues. The LTO co-ordinator should work closely with the gender analyst or gender focal point to determine how best to assign specific tasks to LTOs. The LTO co-ordinator will also assist in setting priorities for short-term observers (STOs) with regard to reporting on women's activities on election day.

A. LONG-TERM OBSERVERS

Long-term observers play a central role in ensuring that an EOM has a countrywide scope in gathering information on political events and trends in the regions and in identifying regional particularities that may have an impact on elections. As such, they are in a key position to contribute to an EOM's analysis of the role of women in the electoral process. In order to contribute effectively, they should be briefed on the ODIHR's general approach to gender issues and elections and should have a basic understanding of OSCE and other international commitments on the human rights of women, particularly their electoral rights. The information in Chapter 1 provides basic background that should be useful to LTOs as well as to members of the EOM's core team.

In the course of their regular work, LTOs should be able to gather a range of useful information on the role of women in the electoral process in their regions. This information should be included in regular LTO reporting to EOM headquarters. In light of the heavy workload often facing LTOs, the extent to which they can focus on gender issues may vary greatly. Because of this, the core team should alert them to specific issues or problems that may merit special attention or follow-up.

B. SHORT-TERM OBSERVERS

Short-term observers should also be involved in monitoring women's participation on election day. Reporting forms used by STOs as they observe voting activity at polling stations should incorporate questions to serve this purpose so that the data can be quantified during the analysis of the forms.

- ▶▶ STOs should be directed to determine the number of men and women on each polling-station committee and the sex of each committee's chairperson;
- ▶▶ STOs may also be directed to determine the proportion of women serving as political-party observers and/or domestic non-partisan observers;
- ▶▶ To the extent possible, STOs should also ask the chairperson of the polling-station committee to estimate how many women and how many men have actually voted or, if necessary, to draw a subjective opinion based on their observations;
- ▶▶ Reporting forms should allow for reporting incidents of "family voting", where two or more people enter the same polling booth to vote together. Most commonly, family voting involves husbands and wives. Family voting is a violation of OSCE commitments on the secrecy of each person's vote and may disadvantage women in particular, especially in traditionally patriarchal societies where women may not have sufficient freedom to make independent choices. A high frequency of family voting may suggest that women do not have equal opportunities to participate in the election;
- ▶▶ Incidents of "proxy" voting – in which one person presents documents for several people and votes on behalf of all of them – should also be reported. Proxy voting is not permitted in most countries since it compromises the secrecy of the ballot and is not consistent with OSCE commitments. Proxy voting may be more frequent in rural areas and among certain minority groups and may disadvantage women in particular. STOs should assess how polling-station committees deal with any attempts at proxy voting.

CHECKLIST FOR LTOS AND STOS

LTOS

- Are any women running as candidates in your region? If so, what proportion of the candidates are women? Is this more or less than in previous elections?
- 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?
- Are there already women elected as leaders in your area of assignment? In what proportions?
- Are women members of regional and local election commissions? In what proportions? How many such commissions are headed by women?
- In your area of assignment, are women registered as voters in the same numbers as men? If not, can you identify why not?
- Are there any voter-education or get-out-the-vote campaigns directed at women?
- If there is a significant number of people belonging to minorities in your area of assignment, are the women among them participating in the election as actively as the men, or are there any factors constraining their participation?
- Are there any other issues in your area of assignment that appear to affect women's participation as voters and/or candidates, either positively or negatively?

STOs

- How many men and women are members of each polling-station committee? Is a woman or a man the chairperson of the committee?
- How many men and how many women have voted at your polling stations? If election officials at a polling station cannot supply these figures, have you noticed in your observations whether women seem to be voting in about the same numbers as men?
- Have there been instances of family voting?
- Have there been instances of proxy voting?
- In your observations and/or conversations with polling-station officials, party representatives, and voters, have you noted anything that might suggest that women voters are not participating on the same basis as men?
- What is the general proportion of women serving as domestic observers, both political-party/candidate representatives and domestic non-partisan observers?

- ▼ *WOMEN IN SOCIETY*
- ▼ *WOMEN IN POLITICS*
- ▼ *OFFICIAL SOURCES OF INFORMATION*
- ▼ *NON-GOVERNMENTAL ORGANIZATIONS*

7. MORE-DETAILED ANALYSIS AND INFORMATION: ROLE OF THE GENDER ANALYST

Whenever possible or determined necessary, the ODIHR will appoint a full-time gender analyst as part of the core team of an Election Observation Mission. The gender analyst is responsible for the broad scope of the EOM's work on gender issues and women's participation in elections. The gender analyst should provide guidance to all members of the core team and long-term observers, ensure that gender issues are mainstreamed into the work of the EOM, co-ordinate the team's work on gender issues, and take the lead in reporting and drawing conclusions and recommendations on issues related to gender in the election. The subsections below outline a variety of important issues that can be explored in more depth by gender analysts.

In the absence of a full-time gender analyst, the head of mission should designate one core-team member to serve as a gender focal point in addition to his or her normal duties. Since the focal point has other full-time responsibilities, his or her role would be largely one of co-ordination. The gender analyst or focal point should normally be assisted by a full-time locally hired assistant who will be dedicated to information-gathering, translation, and analysis of women's participation. Under the guidance of the gender analyst or focal point, the local assistant could also provide support to the other core-team members in monitoring gender issues in their respective areas.

A. WOMEN IN SOCIETY

The ability of women to take full advantage of their human rights and to participate fully in political life – including the electoral process – depends on the societal environment in the country. An analysis of women's place in society at large and any barriers for women's advancement can provide a valuable basis for a better understanding of the role of women in the electoral process. In societies in which women are generally unequal – in legal rights, economics, education, or other fields – women are more likely to be disadvantaged in electoral rights and political participation as well.

To assess whether the electoral playing field is even for women and men, it can be useful for the EOM to look into general societal conditions. The questions listed below can be used to help assess whether a country is meeting international standards on the human rights of women accepted by all OSCE participating States and incorporated into CEDAW.

- ▶ Are women and men equal before the law? Does legal discrimination against women exist? *De facto* discrimination? Do women have the same rights as men with regard to marriage and within the family?
- ▶ Do women have the same access to education as men?
- ▶ Do women have the same access to employment as men? Are unemployment rates higher among women? Are salaries lower among women? Do women have equal access to bank loans and credit?
- ▶ Do women have equal rights to health care?
- ▶ Is violence against women a pervasive problem in society?
- ▶ Has the society generally understood and embraced the concepts of equality between women and men and respect for the human rights of women?
- ▶ Is there a distinct urban/rural divide in attitudes towards equality between women and men?

B. WOMEN IN POLITICS

Chapter 1 provides a basic list of statistical data that an EOM should try to obtain to help assess the level of women's political participation. Missions with a full-time gender analyst should be able to delve more deeply into gathering and analysing such data and placing it in a more meaningful perspective.

For example, an EOM should seek to obtain the ratio of men to women in the outgoing parliament. However, when Missions can devote more resources to gender issues, it can also be useful to obtain comparative statistics on the number of men and women incumbents who are standing for re-election and the number who have chosen not to run. In some countries, evidence suggests that women are more likely to leave politics than are men. As reasons for this, women in public office have cited many concerns, including the difficulties of balancing professional demands and family life, feeling that they are not taken seriously, unhappiness with the confrontational atmosphere in many parliaments, or a sense that they cannot advance sufficiently due to the power of old-boy networks. Taking note of incumbents who are not seeking re-election may establish whether a pattern exists of women leaving office in disproportionate numbers. In-

interviews with the incumbents involved may provide insights as to the circumstances that have influenced their decisions not to seek re-election.

It is also recommended that the EOM track the number of potential candidates rejected by the authorities responsible for candidate registration. In particular, a comparison should be made to determine if there appears to be a disproportionate share of the total number of female candidates rejected as opposed to male candidates rejected. In the event such a disparity is noted, the EOM may wish to investigate to determine the reasons for the disparity.

A more in-depth analysis of the numbers of men and women on the voter register can also provide valuable insights to women's participation in elections. Beyond national statistics, the EOM might also seek information on whether there are significant variations in women's participation in some regions, or among some minority groups and, if so, why. If there are many displaced persons in the country, it is worth considering whether displaced women are registering to vote and participating in elections on the same basis as men.

A better understanding of women's participation in the political process can be developed through gathering information on women in local and regional councils or assemblies. In particular, it is helpful to learn how many local and regional councils or assemblies are headed by women. A common path to elected office at the national level is often 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 is diminished.

Another barometer of women's participation and political success is the number of cabinet ministries and similar positions held by women. If the EOM stays in a country until a new cabinet is formed, a comparison of the numbers of women in the new and outgoing governments may illustrate a trend. A review of cabinet posts might also be undertaken to determine which ministries women head. Although there are exceptions, women are most frequently appointed to ministries responsible for social services dealing with what are commonly considered women's issues. Critics suggest this practice is a reflection of societal expectations based on women's stereotypical roles as mothers and homemakers and attitudes about which functions are suitable for women and which are not.

In a number of countries, "women's" political parties have been formed. These can be a source of information concerning women in the electoral process, as well as on issues of special concern to women. While women's branches of political parties are also in a position to provide helpful insights on issues pertaining to women, in practice they are perhaps more likely to reflect the party line.

Another telling factor is how women are treated within the legal system, particularly with regard to electoral issues. Beyond their *de jure* rights, are courts accessible to women, and are women plaintiffs treated equally with men? If women candidates or political-party officials are involved in complaints or other court cases related to the election, the EOM should follow carefully the electoral issue involved and make an assessment as to whether the case is handled any differently from similar cases involving men.

Chapter 5 provides basic guidance on gender and the media during elections. An EOM with a gender analyst may be able to undertake a broader analysis of how media treatment of women affects their electoral participation and prospects. For example, to the extent resources permit, the media analysis would be enhanced if additional comparative criteria could be added on how the media treats women and men respectively. Such criteria might include whether the content of an article or broadcast centring on a single candidate predominantly features information about their personality, family status, or personal characteristics rather than their positions on political issues; and whether the content includes mention of issues typically associated with women, such as health, child care, social welfare, or education, regardless of whether the article or broadcast relates to a candidate or a political party.

C. OFFICIAL SOURCES OF INFORMATION

Several state institutions may be important sources for developing a gender-disaggregated profile of the country being observed:

- ▶ Election bodies at the central and regional levels in particular will be the primary sources of information about the comparative number of male and female candidates, members of election commissions and polling-station committees, and chairpersons of those election bodies;
- ▶ Local-government offices or local offices of the Ministry of Interior (local police) are the most likely sources of information about voter-registration figures and comparative data about the numbers of men and women registered in their regions;
- ▶ The EOM should also determine which ministry, department, or commission is specifically assigned responsibility for implementing equal rights, anti-discrimination, or gender-equality provisions. Likewise, note should be taken if there is no such agency. Often, the agency is not an autonomous body but is subordinated to a standing ministry, for example, ministries of labour and employment, or family and social welfare. These agencies should be able to provide important information and insights as to the policies and challenges faced in promoting and enforcing gender equality;

- ▶ In virtually all countries, there is a statistics department or institute that compiles data on a myriad of subjects, including basic census information, economic data, education and health statistics, welfare rolls, etc. Ideally, the information will be available in a format that allows comparisons to be made between men and women on such issues as literacy, education, employment, or income;
- ▶ An ombudsman's office or national human-rights office can be an important source of information on particular problems facing women;
- ▶ Meetings with judges and prosecutors, as well as with professional associations of attorneys and women's advocacy organizations, can provide insights on how the legal system treats women.

D. NON-GOVERNMENTAL ORGANIZATIONS

An essential task for an Election Observation Mission is meeting with non-governmental organizations, professional associations, and civic groups. Their input can be particularly useful in confirming or countering impressions from official sources. In terms of issues related to women's participation in the electoral process, particular NGOs may be singularly qualified to discuss the barriers to women's participation, the level of responsiveness of state institutions to the needs of women, and the level of commitment to women's issues on the part of candidates and elected officials.

Beyond gathering general information, the level of women's political engagement through their participation in the work of non-governmental organizations is itself a measure of women's political participation in society. Such involvement can be a potent force for social change. Assessing the status of women's NGOs, their acceptance as an integral part of civil society, their effectiveness in promoting awareness of issues, and their ability to effect social and political change can provide an important added dimension to the observation of women's participation in the political process.

POINTS OF INQUIRY: MORE-DETAILED ANALYSIS AND INFORMATION

WOMEN IN SOCIETY

- To what extent is the state fulfilling its OSCE and other international commitments on the human rights of women and on the equality of women and men?
- Are women equal before the law? How are they treated by the court system, particularly with regard to electoral issues?
- Is there any evidence of discrimination against women in society?
- Do women have equal access to education, health care, and employment?
- Do women enjoy equality in the economic sphere?
- Are women availing themselves of national institutions such as ombudsmen or human-rights commissions? If so, what kind of grievances are they asserting?

WOMEN IN POLITICS

- Are women leaving politics in greater numbers than men? If so, why? How many male incumbents and how many female incumbents have chosen not to run?
- Is the registration of women candidates more likely to be rejected than that of men?
- Do the voter registers exhibit any inequities between women and men?
- Are women well represented on local councils and regional assemblies?
- Do women play a significant role as cabinet ministers or mayors?
- Do “women’s” political parties exist, and do they have any significant influence? What issues do they regard as most important?
- Do women’s branches of political parties have different priorities from those of the central party structure?

NON-GOVERNMENTAL ORGANIZATIONS

- Are there NGOs that focus on advancing the rights of women? What do they regard as issues of special concern?
- Are any NGOs specifically involved in trying to increase women’s political participation? If so, what insights can they provide on obstacles or barriers to women’s participation in elections?
- To what degree do women participate in the work of NGOs? To what degree do women participate in the work of NGOs involved in electoral issues?
- Are women involved in leadership positions in NGOs? If so, has this been an effective form of political participation and in making their voices heard?

ANNEX: SELECTED INTERNATIONAL STANDARDS

SELECTED OSCE COMMITMENTS

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 States 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 on 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....

SELECTED 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....

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States “to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society” (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today, it employs more than 100 staff.

The ODIHR is the leading agency in Europe in the field of **election observation**. It coordinates and organizes the deployment of several observation missions with thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, gender equality, and trafficking in human beings. The ODIHR implements more than 100 targeted assistance programmes every year, seeking both to facilitate and enhance state compliance with OSCE commitments and to develop democratic structures.

The ODIHR promotes the protection of **human rights** through technical-assistance projects and training on human dimension issues. It conducts research and prepares reports on different human rights topics. In addition, the Office organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States. In its anti-terrorism activities, the ODIHR works to build awareness of human dimension issues and carries out projects that fundamentally address factors engendering terrorism.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).

This handbook provides guidance on monitoring women's participation in the electoral process. It has been developed as part of the OSCE/ODIHR's effort to enhance equality between women and men by mainstreaming gender issues into all areas of its work.

The handbook has been designed as a working tool to assist OSCE/ODIHR Election Observation Missions in identifying the various elements of an election process that may impact on women's equal participation. It sets out practical steps to be taken to integrate a gender perspective into election observation and should serve to ensure that conclusions drawn on the extent to which an election process meets OSCE commitments and other international standards for democratic elections fully takes into account how the election process affects both women and men.

In addition to use by OSCE/ODIHR Election Observation Missions, the handbook also has wide relevance to other international election observation efforts and to the work of domestic election observer groups.

