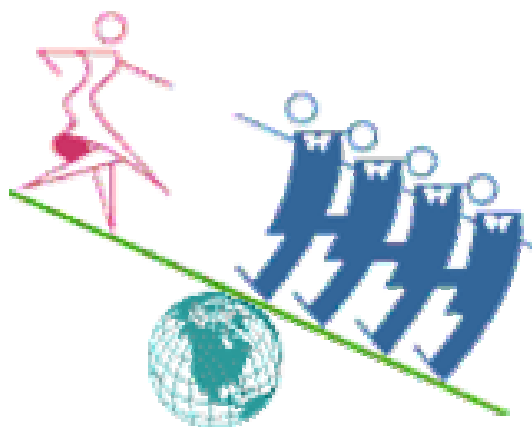




Organization for Security and Co-operation in Europe  
PARLIAMENTARY ASSEMBLY

# OSCE PA Gender Balance Report July 2005

(Presented by Tone Tingsgård, Vice-President and Special  
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# 1. Executive Summary

This report recommends a number of measures to advance substantive gender equality within the OSCE Institutions and the OSCE Parliamentary Assembly. While the 2005 Gender Disaggregated Statistics show certain progress on the overall representation of women within the OSCE, women still remain underrepresented at the most senior (particularly in Field Missions) and upper management positions. “Quantitatively”, women are represented on equal footing with men within the Secretariat and Institutions, amounting to 51% of the overall total. However, at the professional level, women’s representation is 31%, while at the general services level it amounts to 68%. Within the Field Missions, female representation in senior management is only 5%. In addition, statistics demonstrate women don’t have access to the leadership positions within the OSCE Institutions. The situation within ODIHR is a clear-cut example of it: Among the 11 top positions only 1 woman can be found at the P4 level, with all positions above P4 being occupied by men. Thus, this data confirms the persistence of an increasingly thicker “glass ceiling” and the failure of the initiatives undertaken by the OSCE to address the situation.

The 2004 Gender Action Plan, which seeks to overcome the deficits of the 2000 Gender Action Plan, furthers gender mainstreaming and strengthens accountability by attributing specific responsibilities and enabling monitoring mechanisms. Yet, it fails to adopt a substantive concept of gender equality, by continuing to embrace a formal approach. The proposed measures to counter female under representation are focused on the removal of “*de jure*” barriers in recruitment, rather than on adopting positive measures to achieve “*de facto*” equality within the organization. Such an approach is insufficient and outdated with respect to the scope of the international legal commitments undertaken by the OSCE participating States and the OSCE. In addition, further political will is needed to effectively implement the Gender Action Plan.

Therefore, the achievement of substantial gender equality within the OSCE Institutions and Field Missions demands the adoption by the OSCE of “temporary special measures”, in the form of a preference rule in favor of female candidates. Such a preference rule should be applied until the accomplishment of a minimum representation quota both within senior and upper management positions has been achieved. In addition, some of the staff rules and regulations, such as those related to part-time employment, maternity and paternity leave and the non-family status of missions, negatively affect women to a greater extent than men. Such provisions should be revised from a gender perspective and modified in order to make the OSCE attractive for female candidates seeking employment.

The situation within the Parliamentary Assembly, where women representation within the Delegations and the Assembly’s activities remains below 20%, also requires the adoption of positive measures. Female representation within the OSCE PA is directly related to female representation within the respective national parliaments. A comparative cross-regional assessment demonstrates that the adoption of quotas has often led to advancing female representation in parliaments. In addition, the practice of other international organizations, such as the Parliamentary Assembly of the Council of Europe and the Inter-Parliamentary Union, indicates that introducing specific gender requirements in the rules of procedure regarding the composition of delegations and governing bodies, results in increasing female representation. Female under representation within the OSCE PA is just another instance of women’s “*de facto*” discrimination in politics. It does not only hinder women’s situation but the fundamental principles of democracy. The adoption of a quota system by the OSCE PA will strengthen its democratic character and contribute to the establishment of a “*Democratie paritaire*”, which involves rethinking democracy and ultimately leads to the establishing of a new partnership between men and women. Consequently, the Parliamentary Assembly should establish a minimum quota of 30% female representatives in the respective delegations, and among the officers of the Assembly.

## 2. Introduction

### **Purpose and Scope of the Report**

Since 2001, the Gender Unit of the OSCE Parliamentary Assembly International Secretariat has been actively compiling statistics and other relevant information with the objective of publicizing the gender balance situation in the OSCE region. Much of the analysis provided by the Gender Balance Report was based on the Gender Disaggregated Statistics issued by the OSCE Gender Adviser. Unfortunately in 2005, the Gender Statistics 2004 had been released the same day this report was being sent to print, making the inclusion of a comprehensive assessment of the data impossible. However, the report takes into account the conclusions resulting from the statistics. The actual statistics will be provided separately as an appendix to the present report. For this reason, the Gender Unit at the OSCE PA Secretariat decided to draft this year's report from a different approach. Rather than to focus, as it did in previous years, on providing an update and giving an overview of the recent developments in the gender equality situation within the OSCE Institutions and Field Missions, the present Gender Balance report endeavors to propose a number of initiatives to further gender equality within the OSCE. A core part of the Report will be devoted to examine the 2004 Gender Action Plan and analyze its contribution to advancing gender equality within the OSCE.

Nevertheless, the lack of the 2004 Gender Disaggregated data does not entail a complete absence of objective facts in this Report. First of all, this study will take into consideration the conclusions stemming from the only just released 2005 Gender Disaggregated Statistics and will recall the findings of the Gender Balance Report 2004. Secondly, it will comprise statistics obtained from other reliable sources, such as the Inter-Parliamentary Union. Finally, the Gender Unit at the Secretariat of the OSCE Parliamentary Assembly has elaborated its own data regarding gender balance in the structure and activities of the Parliamentary Assembly.

This report will thus focus on advancing gender balance within the OSCE institutions on the one hand, and the Parliamentary Assembly on the other. While its primary geographical scope is the 55 OSCE Member States, it takes into account universal and other regional initiatives and instruments for the promotion of gender equality. The report examines the main international treaties and legal commitments. It also provides an analysis of the gender balance situation in other inter-parliamentary institutions as well as of women in politics worldwide. The report is divided into three main parts. The first part examines the content and scope of the main gender-related international commitments of the OSCE participating States. The second section addresses the OSCE's approach to gender. It provides a synopsis of the 2004 OSCE PA Gender Balance Report and the conclusions stemming from the 2005 OSCE Gender Disaggregated Statistics. In addition, it comprises the summary and assessment of the 2004 OSCE Gender Action Plan and a set of recommendations on how to advance gender equality within the OSCE Institutions and Field Missions. The third part tackles gender equality within the OSCE Parliamentary Assembly. It includes statistics on female representation within the OSCE PA Delegations and activities. The data is followed by an analysis on how to improve the gender balance of the Assembly.

### 3. Gender equality and the prohibition of discrimination in International Law

#### 3.1 International Law Commitments of OSCE Participating States

Today, 53 out of the 55 OSCE participating States are party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and to the International Covenant on Civil and Political Rights (ICCPR)<sup>1</sup> Both documents have the status of International Treaties under International Law and therefore create binding obligations for the States. A State's failure to comply with the obligations set up under these conventions would constitute an "international wrongful act"<sup>2</sup> and entail the international responsibility of the State<sup>3</sup>

Since both the OSCE participating States and the OSCE itself are bound by the provisions related to gender equality and the prohibition of discrimination embedded in the above-mentioned Conventions<sup>4</sup>, the following paragraphs identify the content and scope of the main international obligations under CEDAW and the ICCPR.

CEDAW was adopted by the United Nations General Assembly in 1979 and came into force in 1981. The core feature of CEDAW is that it brings the general prohibition of discrimination on the grounds of sex, already contained in numerous human rights instruments<sup>5</sup>, one step forward. CEDAW focuses on discrimination against women, emphasizing that women have suffered, and continue to suffer from various forms of discrimination because they are women<sup>6</sup>. In addition its provisions are related to all forms of discrimination. The consequences of this are twofold. First, the Convention applies to discrimination in both the public and the private sphere. This has the effect of ending a dichotomy responsible for numerous instances of discrimination against women. States are now obliged to take all the necessary measures to ensure equality not only in the private sector, but also in the family or the marriage. Second, the Convention targets both direct and indirect discrimination. The CEDAW Committee has explained the meaning of indirect discrimination and noted that **gender neutral often means gender blind**.

*"Indirect discrimination against women may occur when laws, policies and programmes are based on seemingly gender-neutral criteria which in their actual effect have a detrimental impact on women. Gender-neutral laws, policies and programmes unintentionally may perpetuate the consequences of past discrimination."*

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<sup>1</sup> See table. Most countries are parties to both Treaties and only the Holy See is not party to either

<sup>2</sup> Art 2 "Draft articles Responsibility of States for internationally wrongful acts". Adopted by the International Law Commission in November 2001. Available at [http://www.un.org/law/ilc/texts/State\\_responsibility/responsibilityfra.htm](http://www.un.org/law/ilc/texts/State_responsibility/responsibilityfra.htm)

<sup>3</sup> Ibid art. 1

<sup>4</sup> Vienna Concluding Document 1989, paragraph 15, [http://www.osce.org/docs/english/1973-1990/follow\\_ups/vienn89e.htm#Anchor-HUMA-46994](http://www.osce.org/docs/english/1973-1990/follow_ups/vienn89e.htm#Anchor-HUMA-46994)

<sup>5</sup> For example art. 2 of the Universal Declaration on Human Rights

<sup>6</sup> General recommendation No. 25 on temporary special measures, Committee on the Elimination of all Forms of Discrimination against women, 2004

Finally, the objective of CEDAW is the achievement of de facto equality, which is interpreted as substantive equality. For that reason States are called to adopt temporary special measures aimed at accelerating de facto equality and obliged to undertake measures to eliminate discriminatory prejudices, customs and stereotypes.

The Preamble of CEDAW states that “discrimination against women violates the principles of equality or rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity.”<sup>7</sup>

Article 1 of CEDAW defines discrimination as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

Article 4.1 establishes that “the adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.”

Article 5 says that States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

According to Article 7 States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, in particular, they shall ensure to women, on equal terms with men, the right: to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; 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; and to participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8 contains the States Parties’ commitment to take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

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<sup>7</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Available at <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>),

The second major international human rights law instrument is the International Covenant on Civil and Political Rights<sup>8</sup>, adopted by the UN in 1966 and brought into force in 1976. Apart from the importance of the provisions embedded in this convention, this instrument has gained further relevance due to the extensive interpretation of its clauses by the Human Rights Committee, which is the organ monitoring the compliance of States with the ICCPR.

Article 3 of the ICCPR establishes that the States Parties to the 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.

### 3.1.1 Content and Scope of the International Commitments

#### *Women's participation in public life and politics*

In 1988, the CEDAW Committee recommended “that States Parties make more use of “temporary special measures” such as positive action, preferential treatment or quota systems to advance women's integration into education, the economy, politics and employment”<sup>9</sup>. The same year, it adopted a similar decision in regard to the women's political rights. The General Recommendation asked State Parties to take further direct measures to ensure to women, equal terms with men and without any discrimination, the opportunities to represent their Government at the international level and to participate in the work of international organizations.<sup>10</sup>

The Committee has made far-reaching considerations in regard to the participation of women in political and public life. In its General Recommendation No. 23, the CEDAW Committee stated:

- The political and public life of a country is a broad concept. It refers to the exercise of political power and all aspects of public administration and the formulation and implementation of policy at the international, national, regional and local levels. The concept also includes many aspects of civil society.<sup>11</sup>
- Public and private spheres of human activity have always been considered distinct, and have been regulated accordingly. Invariably, women have been assigned to the private or domestic sphere. Men historically have both dominated public life and exercised the power to confine and subordinate women within the private sphere.<sup>12</sup>

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<sup>8</sup> *International Covenant on Civil and Political Rights*, as adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entered into force 23 March 1976. For full declaration see [www.unhcr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhcr.ch/html/menu3/b/a_ccpr.htm)

<sup>9</sup> General recommendation No. 5 on temporary special measures, Committee on the Elimination of all Forms of Discrimination against women, seventh session, 1988

<sup>10</sup> General recommendation No. 8 on implementation of article 8 of the Convention, Committee on the Elimination of all Forms of Discrimination against women, seventh session, 1988

<sup>11</sup> General recommendation No. 23 on article 7 of the Convention, Committee on the Elimination of all Forms of Discrimination against women, seventeenth session, 1997, Para 5

<sup>12</sup> *Ibid* at Para 8



- In all nations, cultural traditions and religious beliefs have played a part in confining women to the private spheres of activity and excluding them from active participation in public life.<sup>13</sup>
- Women's economic dependence on men often prevents them from making important political decisions and from participating actively in public life. Their double burden of work and their economic dependence, coupled with the long or inflexible hours of both public and political work, prevent women from being more active.<sup>14</sup>
- Stereotyping confines women in political life to issues such as the environment, children and health, and excludes them from responsibility for finance, budgetary control and conflict resolution.<sup>15</sup>
- Societies in which women are excluded from public life and decision-making cannot be described as democratic. The concept of democracy will have real and dynamic meaning and lasting effect only when political decision-making is shared by women and men and takes equal account of the interests of both.<sup>16</sup>

In addition, General Recommendation No. 23 acknowledges the potential negative effects of gender blind policies and calls for the achievement of de facto equal participation in politics and public life. For that purpose, it encourages the introduction of temporary especial measures, such as “recruiting, financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, setting numerical goals and quotas and targeting women for appointment to public positions”. General Recommendation No. 23 establishes:

- While removal of *de jure* barriers is necessary, it is not sufficient. Failure to achieve full and equal participation of women can be unintentional and the result of outmoded practices and procedures which inadvertently promote men. The formal removal of barriers and the introduction of temporary special measures to encourage the equal participation of both men and women in the public life of their societies are essential prerequisites to true equality in political life. In order, however, to overcome centuries of male domination of the public sphere, women also require the encouragement and support of all sectors of society to achieve full and effective participation, encouragement which must be led by States parties to the Convention, as well as by political parties and public officials.<sup>17</sup>

These considerations of the Committee are followed by the attribution of specific responsibilities in regard to women’s participation in politics to States and political parties. The General Recommendation 23 states:

- *States* have a responsibility, where it is within their control, both to appoint women to senior decision-making roles and, as a matter of course, to consult

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<sup>13</sup> Ibid at Para 10

<sup>14</sup> Ibid at Para 11

<sup>15</sup> Ibid at Para 12

<sup>16</sup> Ibid at Para 14

<sup>17</sup> Ibid at Para 15

and incorporate the advice of groups which are broadly representative of women's views and interests.<sup>18</sup>

- *States* have a further obligation to ensure that barriers to women's full participation in the formulation of government policy are identified and overcome. These barriers include complacency when token women are appointed, and traditional and customary attitudes that discourage women's participation. When women are not broadly represented in the senior levels of government or are inadequately or not consulted at all, government policy will not be comprehensive and effective.<sup>19</sup>
- While *States* generally hold the power to appoint women to senior cabinet and administrative positions, *political parties* also have a responsibility to ensure that women are included in party lists and nominated for election in areas where they have a likelihood of electoral success.<sup>20</sup>
- Measures that have been adopted by a number of *States* in order to ensure equal participation by women in senior cabinet and administrative positions and as members of government advisory bodies include: adoption of a rule whereby, when potential appointees are equally qualified, preference will be given to a woman nominee; the adoption of a rule that neither sex should constitute less than 40 per cent of the members of a public body; a quota for women members of cabinet and for appointment to public office; (...) <sup>21</sup>
- Measures that have been adopted by some *political parties* include setting aside for women a certain minimum number or percentage of positions on their executive bodies, ensuring that there is a balance between the number of male and female candidates nominated for election, and ensuring that women are not consistently assigned to less favorable constituencies or to the least advantageous positions on a party list.<sup>22</sup>

### *Temporary Special Measures*

The CEDAW committee has explicitly said that “*equality of results is the logical corollary of de facto or substantive equality*”<sup>23</sup>. In its 2004 General Recommendation the Committee affirmed that ***the application of temporary special measures in accordance with the Convention is one of the means to realize de facto or substantive equality for women, rather than an exception to the norms of non-discrimination and equality.***<sup>24</sup> The Committee also stated:

- While the application of temporary special measures often remedies the effects of past discrimination against women, the obligation of *States parties* under the Convention to improve the position of women to one of de facto or substantive equality with men exists *irrespective of any proof of past discrimination*. The Committee considers that *States parties* that adopt and

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<sup>18</sup> Ibid at Para 26

<sup>19</sup> Ibid at Para 27

<sup>20</sup> Ibid at Para 28

<sup>21</sup> Ibid at Para 29

<sup>22</sup> Ibid at Para 33

<sup>23</sup> General recommendation No. 25 on article 4.1 of the Convention on temporary special measures, Committee on the Elimination of all Forms of Discrimination against women, thirtieth session, 2004, Para 9

<sup>24</sup> Ibid at Para 14

implement such measures under the Convention do not discriminate against men.<sup>25</sup>

- The term “measures” encompasses a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as outreach or support programmes; allocation and/or reallocation of resources; preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with time frames; and quota systems.<sup>26</sup>

In its 1989 General Comment on non-discrimination, the Human Rights Committee pointed out that the principle of equality sometimes requires State parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant.<sup>27</sup> In 2000 the Committee took its interpretation of gender equality one step further by stating that State Parties must take effective and positive measures to promote and ensure women’s participation in the conduct of public affairs and in public office, including appropriate affirmative action.

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<sup>25</sup> Ibid at Para 18

<sup>26</sup> Ibid at Para 22

<sup>27</sup> General Comment No. 18: Non-discrimination, Human Rights Committee, Thirty-seventh session, 1989, Para 10

### 3.1.2 Status of Ratifications<sup>28</sup>

Participating State	ICCPR	CEDAW
Albania	04 Jan 92 <sup>a</sup>	10 June 94
Andorra	s: 05 Aug 00	14 Feb 97 <sup>a</sup>
Armenia	23 Sep 93 <sup>a</sup>	13 Oct 93 <sup>a</sup>
Austria	10 Dec 78	30 Apr 82
Azerbaijan	13 Nov 92 <sup>a</sup>	09 Aug 95 <sup>a</sup>
Belarus	23 Mar 76	03 Sep 81
Belgium	21 Jul 83	09 Aug 85
Bosnia and Herzegovina	06 Mar 92 <sup>d</sup>	01 Oct 93 <sup>d</sup>
Bulgaria	23 Mar 76	10 Mar 82
Canada	19 Aug 76	09 Jan 82
Croatia	08 Oct 91 <sup>d</sup>	09 Oct 92 <sup>d</sup>
Cyprus	23 Mar 76	22 Aug 85 <sup>a</sup>
Czech Republic	01 Jan 93 <sup>d</sup>	24 March 93 <sup>d</sup>
Denmark	23 Mar 76	21 May 83
Estonia	21 Jan 92	20 Nov 91 <sup>a</sup>
Finland	23 Mar 76	04 Oct 86
France	04 Feb 81 <sup>a</sup>	13 Jan 84
Georgia	03 Aug 94 <sup>a</sup>	25 Nov 94 <sup>a</sup>
Germany	23 Mar 76	09 Aug 85
Greece	05 Aug 97 <sup>a</sup>	07 Jul 83
Holy See		
Hungary	23 Mar 76	03 Sep 81
Iceland	22 Nov 79	18 Jul 85
Ireland	08 Mar 90	22 Jan 86 <sup>a</sup>
Italy	15 Dec 78	10 Jul 85
Kazakhstan		25 Sep 98 <sup>a</sup>
Kyrgyzstan	07 Jan 95 <sup>a</sup>	12 Mar 97 <sup>a</sup>
Latvia	14 Jul 92	15 May 92 <sup>a</sup>
Liechtenstein	10 Mar 99 <sup>a</sup>	21 Jan 96 <sup>a</sup>
Lithuania	20 Feb 92 <sup>a</sup>	17 Feb 94 <sup>a</sup>
Luxembourg	18 Nov 83	04 Mar 89
Malta	13 Dec 90 <sup>a</sup>	07 Apr 91 <sup>a</sup>
Moldova	26 Apr 93 <sup>a</sup>	31 Jul 94 <sup>a</sup>
Monaco	28 Nov 97	18 Mar 05 <sup>a</sup> (last accession)
Netherlands	11 Mar 79	22 Aug 91
Norway	23 Mar 76	03 Sep 81
Poland	18 Jun 77	03 Sep 81
Portugal	15 Sep 78	03 Sep 81
Romania	23 Mar 76	06 Feb 82
Russian Federation	23 Mar 76	03 Sep 81
San Marino	18 Jan 86 <sup>a</sup>	09 Jan 04
Serbia and Montenegro	27 Apr 92 <sup>a</sup>	28 Mar 82
Slovak Republic	01 Jan 93 <sup>d</sup>	27 Jun 93 <sup>d</sup>
Slovenia	25 Jun 91 <sup>d</sup>	05 Aug 92 <sup>d</sup>
Spain	27 Jul 77	04 Feb 84
Sweden	23 Mar 76	03 Sep 81
Switzerland	18 Sep 92 <sup>a</sup>	26 Apr 97
Tajikistan	04 Apr 99 <sup>a</sup>	25 Nov 93 <sup>a</sup>
The FYRM	17 Sep 91 <sup>d</sup>	17 Feb 94 <sup>d</sup>
Turkey	23 Dec 03	19 Jan 86 <sup>a</sup>
Turkmenistan	01 Aug 97 <sup>a</sup>	31 May 97 <sup>a</sup>
Ukraine	23 Mar 76	03 Sep 81
United Kingdom	20 Aug 76	07 May 86
United States of America	08 Sep 92	s: 17 Jul 80
Uzbekistan	28 Dec 95 <sup>a</sup>	18 Aug 95 <sup>a</sup>

<sup>28</sup> Notes: The dates listed refer to the date of ratification, unless followed by:  
“a”, which signifies accession; “d”, which signifies succession, or “s”, which signifies signature only.

## 4. Gender in the OSCE Institutions

### 4.1 Gender Focus in the OSCE

The OSCE refers to equal treatment and non-discrimination in a number of documents, including the Final Act of the Conference on Security and Co-operation in Europe, Helsinki 1975, which states: “The participating States will respect human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.”<sup>29</sup> The concluding Document of the Vienna meeting of 1989 provides that “The participating States confirm their determination to ensure equal rights of men and women. Accordingly, they will take all measures necessary, including legislative measures, to promote equally effective participation of men and women in political, economic, social and cultural life. They will consider the possibility of acceding to the Convention on the Elimination of All Forms of Discrimination against Women, if they have not yet done so.”<sup>30</sup>

The most explicit document on equal treatment is the Document of the Moscow Meeting of October 1991. The 1991 OSCE Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, and the OSCE Charter for European Security (1999), list the specific commitments of the participating States with regard to the full provision of equal rights and participation of men and women in all aspects of social, political and economic life. Participating States commit themselves to “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...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.” Furthermore, they 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.”<sup>31</sup>

### 4.2 Gender in the Documents of the OSCE PA

#### 4.2.1 Final Declarations

Since its creation in 1992, the OSCE PA has taken a leading role in promoting gender equality within the OSCE. This OSCE PA’s commitment to gender equality is reflected in the Declarations adopted subsequent to the celebration of its Annual Session. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and International Covenant on Civil and Political Rights (CCPR) have provided the background to the gender provisions embedded in these Declarations.

In 1992 the OSCE Parliamentary Assembly emphasized at its annual session in Budapest the importance of the active participation of women in the work of the

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<sup>29</sup> OSCE, Helsinki Final Act, 17 February 2000 (including all documents on equal treatment), SEC.GAL/16/00.

<sup>30</sup> Vienna Concluding Document 1989, paragraph 15, [http://www.osce.org/docs/english/1973-1990/follow\\_ups/vienn89e.htm#Anchor-HUMA-46994](http://www.osce.org/docs/english/1973-1990/follow_ups/vienn89e.htm#Anchor-HUMA-46994)

<sup>31</sup> The Moscow Document, 1991, <http://www.osce.org/docs/english/1990-1999/hd/mosc91e.htm>

CSCE and its institutions.<sup>32</sup> The Assembly also encouraged the OSCE to devote further attention to the role of women in the political process.<sup>33</sup>

At Helsinki in 1993, the Parliamentary Assembly expressed “its determination to assist in the full implementation of relevant CSCE commitments in this area, including, inter alia, those relating to persons belonging to national minorities, women, human rights education, and promotion of tolerance and non-discrimination”<sup>34</sup> and undertook “to support by all means the full and immediate implementation of the provisions of the Final Document of the CSCE Conference in Moscow in 1991 indicating that true democracy must be founded on equal rights for men and women.”<sup>35</sup> The parliamentarians called for a meeting of the female members at the following annual session of the Parliamentary Assembly,<sup>36</sup> invited “Member States to take positive measures aimed at increasing the participation of women in political life.”<sup>37</sup>

At the 1998 session in Copenhagen, following an ODHIR seminar on the Promotion of Women’s Participation in Society in October 1997, the OSCE PA explicitly requested gender aspects be considered in all staff recruitment, including the Missions where the participation of more female staff was to be encouraged<sup>38</sup>. The Copenhagen Declaration emphasizes the “importance of the participation and contribution of women in the fields of democratization and the prevention and resolution of conflicts”<sup>39</sup>. Moreover, the *Copenhagen* Declaration urges the OSCE to implement gender mainstreaming in all its activities and called on the Ministerial Council to instruct all OSCE Institutions to take effective steps to ensure the implementation of recommendations referring to the full participation of women in the activities of the OSCE, including at decision-making levels.<sup>40</sup>

In the 2002 Berlin Annual Session, the Parliamentary Assembly emphasized the “importance of working for full gender equality, strengthening the role of women in PA delegations, as well as fighting violence and sexual harassment against women, and actively seeking to involve women in peace building, conflict resolution endeavors, and fighting terrorism”<sup>41</sup>. Furthermore, the OSCE PA urged National Parliaments of the participating States to secure a proper gender balance in their parliamentary delegations to the Parliamentary Assembly.<sup>42</sup> The 2002 Berlin Declaration also outlines the importance of providing a sufficient number of experts in all levels of the OSCE, including the Secretariat, Institutions and Field Missions, to deal with gender issues.<sup>43</sup> As part of the supplementary item on the “Impact of Terrorism on Women” the OSCE PA recognized “the role of the United Nations in increasing the representation of women in the decision-making process, in particular,

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<sup>32</sup> OSCE PA Budapest Declaration, 5 July 1992, Chapter III, Para 4

<sup>33</sup> Ibid at Para 8

<sup>34</sup> OSCE PA Helsinki Declaration, 9 July 1993 Chapter II, Para 36

<sup>35</sup> Ibid at Para 37

<sup>36</sup> Ibid at Para 38

<sup>37</sup> Ibid at Para 39

<sup>38</sup> OSCE PA Copenhagen Declaration, 10 July 1998 Chapter I, Para 51.14

<sup>39</sup> Ibid at Chapter III, Para 106

<sup>40</sup> Ibid at Para 120

<sup>41</sup> OSCE PA Berlin Declaration, 10 July 2002 Chapter I, Para 81

<sup>42</sup> Ibid at Para 82

<sup>43</sup> OSCE PA Berlin Declaration, 10 July 2002 Resolution on the Impact of Terrorism on Women, Para

Security Council Resolution 1325 (2000) on “Women in Peace and Security”, the outcome of the Special Session of the General Assembly of the United Nations “Women 2000” and previous conferences, and the Convention on the Elimination of All Forms of Discrimination Against Women of 1979”<sup>44</sup>. The Parliamentary Assembly also decided that at subsequent sessions, gender issues would be discussed in the plenary – in line with the OSCE gender mainstreaming goal. This was first implemented at the 2003 Winter Meeting in Vienna.

The 2004 Edinburgh Declaration calls on the OSCE to correct the lack of representation of women within the OSCE, take gender aspects into account in recruitment, and respond to the Parliamentary Assembly’s recommendations.<sup>45</sup> The Parliamentary Assembly also stresses the importance of establishing follow up mechanisms on gender balance development and calls on the participating States to adopt specific measures aimed at encouraging female recruitment to OSCE positions.<sup>46</sup>

### **4.3 Conclusions of the Gender Balance Report 2004**

Following the analysis of the 2003 Gender Disaggregated Data, the Gender Balance Report concluded that women were underrepresented within the OSCE Institutions. A particularly alarming fact was that representation of women actually decreased in 2003 in comparison with to the 2002 statistics. The main problem identified by the Gender Balance Report 2004 was the existence of a “glass ceiling”, with senior (particularly in Field Missions) and upper management positions being almost entirely occupied by men. While women constituted the great majority of the general service staff, their overall representation at the professional level was of only 29%. The Gender Balance Report 2004 also pronounced the failure of the OSCE Gender Action Plan 2000 in meeting its commitment to take positive action to promote the nomination and appointment of women candidates in the OSCE. The Gender Balance Report was also critical of the recruitment system of the OSCE, which it considered, did not give equal opportunity of employment to men and women.

### **4.4 Conclusions stemming form the 2005 OSCE Gender Disaggregated Statistics<sup>47</sup>**

Although, due to the already mentioned reasons, the specific statistics will not be discussed in here, these are the main conclusions derived from the data:

- Overall representation of women in the OSCE Secretariat and Institutions increased by 1% as compared to September 2003, the total representation being now 49% male and 51% female.
- However, the average of female representation among senior management of OSCE Missions is 5%. The situation of female representation at the three highest levels (Head of Mission/Centre, Deputy Head, Head of Field Centres, Director and Head of Department), as reflected in the disaggregated statistics is as follows: There are no female Heads of Field Operation, following the

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<sup>44</sup> Ibid at Para 2

<sup>45</sup> OSCE PA Edinburgh Declaration, 5-9 July 2004, Chapter I, Para 19 and 20

<sup>46</sup> Ibid Para 21

<sup>47</sup> SEC.GAL/130/Corr.1, 10 June 2005. The statistics reflect the situation as of 31 December 2004

- departure of the only existing one. Within both the level of Deputy Head of Field Operation and the Head of Field Centres/Directors and Heads of Departments female representation only amounts to 8%.
- Women remain under represented at the professional level, while they occupy the majority of the positions in the general services category. At the professional level women's representation is 31%, while male representation is 69%. The percentages are inverted regarding the positions at the general services, where women occupy the 68% of the positions, while men represent the 32%.
  - Women's representation at the professional level has risen by 3% (from 28% to 31%). Most new female professionals are at P3 and P4 levels, while new male professionals are at P3 and P4 levels.
  - Within the OSCE Institutions the situation is as follows
    1. At the OSCE Secretariat the overall representation is 53% female and 47% male. At the G level 67% of the staff is female. At the P level 30% is female and 70% male. At the leadership level, only 1 out of the existing 5 D level positions is occupied by a woman. The Head of Institution is male.
    2. ODIHR's leadership is still entirely male-dominated. Within the 11 top positions only 1 woman can be found at the P4 level. All positions above P4 are occupied by men. The overall representation within ODIHR is 57% female and 43% male. At the G level 75% of the staff is female. At the P level 39% of the Staff is female and 61% male.
    3. Within the Office of the Representative on Freedom of the Media overall representation is 50% for each gender. 67% of the G level staff and 40% of the P level are female. The two leadership positions (P5 and Head of Institution) are male.
    4. At the Office of the High Commissioner on National Minorities female overall representation is 45%. All G level positions are occupied by female staff. At the P level female representation is 15%. At the P4 level none of the 6 positions are occupied by a female. Women are also absent at the D level. The Head of Institution is male.
  - There is an increase of 5% in female representation among the international seconded and contracted mission members. However, this increase is consequence of the Border Monitor Mission in Georgia and the downsizing in political affairs. Therefore, these numbers do not imply a higher number of female staff members. The total percentage of seconded and contracted mission members is now of 72% male and 28% female. The Centre in Ashgabad has the worse results, with 0% female staff members. The best rate of female representation corresponds to the Presence in Albania, with 52% female staff members, followed by the Centre in Almaty (50%) and the Office in Yerevan (43%).
  - Regarding the gender balance of international seconded and contracted mission members by field of expertise, the areas where women are most represented are Media Development (50%), Democratization (48%) and Human Rights (47%). The areas with lower female presence are Military Affairs (11%) and General Staff Monitoring Functions (12%).
  - Regarding the nominations for seconded positions, statistics demonstrate that women still have significant less chances of being selected than men. In the period of January to December 2004, 30% of all nominated candidates were



women. This is 1% less than in 2003. Of the nominated male candidates 62% were recommended to the Missions, 15% were accepted, and 13% were deployed. Of the nominated female candidates 55% were recommended to the Missions, 12% were accepted, and 11% were deployed.

- The overall female representation among international seconded and contracted, as well as local staff members has increased by 4% (from 37% to 41%).

#### **4.5 The OSCE Gender Action Plan 2004**

In the following section, this report assesses the 2004 OSCE Plan for the Promotion of Gender equality and considers whether it overcomes the deficiencies of its predecessor. The main questions are whether this plan contains the necessary instruments to fight the under-presentation of women within the OSCE institutions, and whether there is the necessary political will to implement it.

##### 4.5.1 Main features of the 2004 OSCE Action Plan for the Promotion of Gender Equality

The 2004 OSCE Action Plan for the Promotion of Gender Equality<sup>48</sup>, approved by the Ministerial Council in December 2004, seeks to enable new strategies for advancing the implementation of gender equality within the OSCE and in the OSCE participating States. The 2004 Gender Action Plan aims at overcoming the difficulties presented in the implementation of the preceding 2000 Gender Action Plan. For that purpose, the 2004 Gender Action Plan reinforces the concept of gender mainstreaming, understood as incorporating the gender perspective “in the Organization’s activities, projects and programmes”.

The 2004 Gender Action Plan lists the achievements of the 2000 Plan, whose goal was to further the efforts directed to achieving equal treatment of women and men within the Organization in all areas, including personnel recruitment, and the inclusion of a gender perspective in the activities of the Organization. However, while the plan accomplished the objective of raising awareness on the need to promote gender equality, several shortcomings were identified in its implementation. These limitations were mainly in training, management and recruitment, and in the overall practice of gender mainstreaming. In addition, statistics show how female representation continues to be low, having actually decreased. Female under-representation takes place particularly at the higher level and among women from States with economies in transition.

Taking these failures into account, the new Gender Action Plan aims at improving gender mainstreaming through the adoption of a cross dimensional approach affecting all the OSCE activities, structures and regulations, and the establishment of adequate monitoring and review mechanisms. Therefore, the primary goal of the 2004 Gender Action Plan is to set out priorities regarding the promotion of gender equality, assign specific responsibilities and establish a monitoring system.

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<sup>48</sup> Available at [http://www.osce.org/documents/mcs/2004/12/3917\\_en.pdf](http://www.osce.org/documents/mcs/2004/12/3917_en.pdf)

### *Accountability*

Increased accountability is one of the main developments within the 2004 Plan. By contrary, the 2000 Plan generally stated that all OSCE Institutions and Field Operations will report to the Secretary General on an annual basis about their achievements. It is also said that the Secretary General would report on the issue to the Permanent Council. Under the “General Follow-Up” Part the 2004 Action Plan establishes that “the Secretary General, Heads of Missions and Heads of Institutions, shall be accountable to the Permanent Council for the implementation of the relevant parts of this Action Plan, in accordance with their responsibilities.” In addition, the Secretary General and the Heads of Institutions are commanded to develop an implementation plan of the Action Plan. Moreover, the Secretary General undertakes the obligations of reporting on progress made on gender issues in his Annual Report, starting 2004, and present the report to the Permanent Council. Also, from 2006, the Permanent Council will hold a discussion on gender issues.

The 2000 Plan neither contained specific accountability provisions on harassment. However, the 2004 Plan makes the Secretary General, the Heads of Institutions and Missions and OSCE officials accountable for leading the process of gender-awareness building and for the creation of a gender-sensitive and professional working environment. Demonstrating a gender-sensitive attitude will be now taken into account both in the recruitment and performance review of managers. Harassment and sexual harassment provisions also gain a new accountable dimension under the new Action Plan. While the 2000 Plan established a general commitment to prevent harassment and makes a general call to implement the 1999 Professional Working Environment Policy, the 2004 Plan makes the Director of Human Resources responsible for raising awareness on the problem of harassment and the measures to combat it. General accountability is also improved through making Heads of Institutions, Heads of Missions and directors of the Secretariat responsible for chairing regular meetings with staff to review the progress made on integrating the gender perspective in their work.

Responsibilities within field missions are also strengthened under the 2004 Action Plan. Missions shall inform the Permanent Council on the progress made on gender equality, establish internal follow up mechanisms and gender working groups to design gender mainstreaming strategies and monitor its implementation. Missions also undertake the obligation of encouraging gender-balanced reporting, and highlight meetings, seminars etc related to the implementation of OSCE commitments on gender equality.

### *Priorities*

The priorities established by the Gender Action Plan are divided into those referring to the internal structure of the OSCE and the ones regarding the assistance to participating States in order to achieve gender equality. Among the first type of priorities the Gender Action Plan embeds; training, the promotion of a professional and gender-sensitive management culture and working environment, the use of recruitment strategies to promote equal opportunities and attract more female candidates and the encouragement to participating States to present more female candidates, especially for senior and policy-making positions. Regarding the second group the Gender Action Plan considers priorities to assist the participating States in defining their own priorities, identifying best practices, promoting the role of women

in conflict prevention and peace reconstruction, and providing a structure for the discussion and review of gender issues.

*Implementing a new culture; training and monitoring*

Having set out the priorities, the Gender Action Plan continues by detailing the different measures to be adopted for the promotion of gender equality within the OSCE, and in the participating States. Regarding the set of measures to be implemented within the OSCE, the Gender Action Plan distinguishes between those addressing training, management and recruitment and those affecting OSCE activities, policies, programmes and projects. First, the Gender Action Plan systematizes training in two-module courses. While the first part deals with gender awareness and mainstreaming a gender perspective in every day's work, the second part is dedicated to the reviewing and enacting of policies and measures incorporating the gender perspective. In addition, training becomes "theme specific" through the inclusion of specific courses on combating domestic violence and human trafficking. The Gender Action Plan Heads of Institutions and Missions and Directors are accountable for exercising leadership in facilitating staff training. It is the OSCE Training Coordinator, instead of the gender adviser, who is primarily tasked with designing and implementing the staff training.

This systematized approach contrasts with the general approach of the 2000 Gender Action Plan. The 2000 Plan generally established that "all senior staff at OSCE institutions and field activities will receive gender training" and ascertained that specific training activities in the field for human rights officers, NGO's, local field staff, police officers, etc would be developed by the Gender Advisers in cooperation with the Training Coordinator and other OSCE structures.

*Management*

The Gender Action Plan also incorporates the gender perspective into the management structures of the OSCE. The Secretary General, Heads of Institutions and Missions and OSCE officials are responsible for leading the process of gender-awareness building and for achieving a gender-sensitive and professional working environment. In addition, demonstrating gender-sensitivity will be a factor in the recruitment of managers. This gender sensitivity will also play a role when evaluating a manager's performance. In addition, the Gender Action Plan makes the Director of Human Resources responsible for raising awareness on the problem of harassment, including sexual harassment, the measures to combat it, and for encouraging victims to complain.

*Increased Female representation*

The 2000 Action Plan recognized the low representation of women in field activities and high level positions such as Head of Mission and Head of Institution. The measures provided by the Plan were basically two. First, the Secretariat would include and statement in the vacancy notice encouraging women to apply. States were also called to nominate women. Second, it was established that all post descriptions in field missions would be reviewed in order to ensure that the qualifications requirements were not gender-biased. However, the Plan did not state who would be responsible for such review. The 2004 Gender Action Plan advances in accountability and proposes more comprehensive measures.

The 2004 Plan acknowledges the problem of female under-representation as concerning not only the higher and more visible positions but also women from States with economies in transition. States are again called on to nominate more female candidates; with the new plan they have committed themselves to a more proactive attitude, involving the use of additional recruitment sources and professional networks and the elaboration of lists of potential suitable female candidates on fields of expertise where women are underrepresented. A review mechanism, which charges the Department of Human Resources with regularly reviewing recruitment procedures and job specifications in order to identify possible prejudices and obstacles against female applicants, is established. The Gender Action Plan also provides a gender balance must be preserved in the interview process and the shortlist, and interview panels should be gender balanced.

The 2004 Plan also says that “the Chairman in Office and the Secretariat will be proactive in promoting the nomination of women candidates”. This provision replaces the statement made by the previous Plan saying that “the Chairperson-in-Office, participating States and the Secretariat will take positive action to promote the nomination and appointment of women”. Yet, the practical application of “positive action” proved to be much less ambitious than the terms may have suggested. While female candidates were encouraged to apply, no “preference system” was articulated. The new Gender Action Plan also adopts a rather vague term, which confirms that the OSCE does not provide for positive action. According to the new Plan, applicants of both sexes shall be invited to the interview where possible and a gender-balanced shortlist shall be drawn up. However, the 2004 Plan does not state that an equal number of men and women shall be invited for the interview or shortlisted. The Department of Human Resources is made accountable for carrying out a regular review of recruitment procedures and job specifications. As a monitoring system, the 2004 Plan establishes an annual coordination meeting of the Department of Human Resources with delegations and experts to share information and evaluate the efforts made towards achieving gender equality in recruitment.

#### *Gender mainstreaming of OSCE projects*

A new element incorporated by the 2004 Action Plan is the gender mainstreaming of OSCE activities, policies programmes and projects. An important novelty is the emphasis of “de facto” equality, similar to that expressed in the Convention for the Elimination of all forms of Discrimination against Women (CEDAW).<sup>49</sup> The 2004 Gender Action Plan states that “the gender mainstreaming process shall also aim at overcoming negative stereotypes and at changing perceptions, as well as developing attitudes conducive to bringing about equality between women and men in all participating States.” While under the 2000 Plan gender specialists would assess the gender implications of any action, policy or programme, under the new Action Plan Gender Advisers do not evaluate the outcome of policies but are involved in the process of elaborating directives, rules and regulations from the beginning.

#### *Gender equality in the participating States*

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<sup>49</sup> Article 5(a) of CEDAW establishes that States shall take appropriate measures “to modify the social and cultural patterns of conduct of men and women, with a view of achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.

After having detailed the measures for the promotion of gender equality within the OSCE the Gender Action Plan addresses the promotion of gender equality in participating States. The Gender Action Plan clearly states that the primary responsibility for the implementation of commitments on gender equality is held by States, and makes recommendations to them. It commends participating States to ensure the development of OSCE initiatives aiming at the promotion of gender equality; to incorporate an impartial and independent person of body such as an Ombudsman/Human Rights Commissioner in order to enhance the mechanisms for ensuring gender equality; and to ratify and comply with CEDAW and its Protocol. It is also recommended to increase measures to combat all forms of violence against women, including trafficking, and to ratify the UN Convention on Transnational Crime and its Optional Protocol on trafficking. In addition, the Gender Action Plan calls on States to support the national and international prosecution of perpetrators of war crimes and crimes against humanity committed against women; ensure the existence and enforcement of national legislation on violence against women; incorporate the gender perspective into the refugee status claims; and develop cross-dimensional gender equality policies and strategies, including monitoring mechanisms to identify implementation challenges. The Gender Action Plan also identifies areas of special interest to participating States, such as developing projects in OSCE States not hosting Missions, ensuring, with the assistance of ODIHR, non-discriminatory legal and policy frameworks, preventing violence against women, ensuring equal participation in the political and public life, encouraging women's participation in conflict prevention, crisis management and post-conflict reconstruction, promoting equal opportunity for women in the economic sphere and building national mechanisms for the advancement of women.

#### *OSCE Parliamentary Assembly*

The 2000 Gender Action Plan stated that the Parliamentary Assembly will “ensure that the gender aspect is taken into account in its own field activities, notably in its participation in election monitoring and in the activities of its democratic teams.” Unfortunately, the 2004 Gender Balance Report disclosed disappointing statistics regarding the participation of female MPs in the OSCE PA annual sessions, election monitoring and field missions. According to the Gender Balance Report, “there is a significant gender imbalance in the national groups of parliamentarians”, which clearly prevents the equal participation of men and women in the above mentioned OSCE PA activities. The 2004 Plan does not remind the Parliamentary Assembly to promote gender equality in its own activities. The new Plan merely encourages the Parliamentary Assembly to: maintain gender equality in its agenda; further develop the current network of women parliamentarians through the Special Representative on Gender Issues; continue to adopt recommendations on gender equality; and continue to produce reports on the status of women and raise awareness

#### 4.5.2 Assessment of the 2000 OSCE Action Plan for Gender Issues and the 2004 OSCE Action Plan for the Promotion of Gender Equality

Both the 2000 and the 2004 Gender Action Plans pursue the objective of advancing gender equality, though some differences can be found in their approaches and the measures they comprise for the accomplishment of their goals. The 2004 Gender Action plan seeks to overcome the shortcomings identified in the process of

implementation of the 2000 Gender Action Plan, which mainly concerned the areas of training, management and recruitment, in addition to the overall practice of gender mainstreaming. Strategies are proposed in the new plan to increase the still low female representation, especially at the higher levels. However, the effective implementation of the Plan is essential. This implementation will depend on the existence of political will to put it into practice, which seems questionable.

The main difference between the 2004 Plan and the 2000 one is that the 2004 Plan furthers gender mainstreaming through the adoption of a cross-dimensional and more comprehensive approach, and strengthens accountability, attributing clear responsibilities and enabling monitoring mechanisms. The 2004 Gender Action Plan seems to realize that the very general, and sometimes vague, provisions of the previous Plan impeded its implementation. The 2000 Plan generally aimed at ensuring that “the OSCE commitments concerning equality in rights and equality of opportunity for women and men are taken into account by participating States and in the practical work of the OSCE institutions and field missions”. The 2004 Plan narrows down its objective, making it more concrete. The 2004 Plan’s primary goal is to set out priorities regarding the promotion of gender equality, assign specific responsibilities and establish a follow up system. The priorities set out by the 2004 Plan contribute to maintaining the focus on certain problematic areas and to set out more concrete commitments that benefit the assessment of whether these commitments have been implemented. Regarding the priorities within the OSCE, emphasis is made on increasing the representation of women, and, thus, specific provisions aiming at that goal are integrated in the Plan. Generally, one could say that the new Gender Action Plan establishes more clearly what needs to be done and who is responsible for doing it.

#### **4.6 Advancing gender equality within the OSCE institutions**

As explained in the previous sections, the OSCE has embraced the concept of gender equality and gender mainstreaming. However, reality shows that women remain underrepresented within the Organization. This section proposes the adoption of a system based on the concept of affirmative action for the advancement of gender equality. It also assesses the existing staff regulations and makes some suggestions for their improvement. We believe that the credibility of OSCE’s commitment to gender equality requires the existence of a coherent internal policy.

##### 4.6.1 Why the 2004 Gender Action Plan is not enough

While the OSCE 2004 Gender Action Plan entails a substantive improvement of its predecessor, it fails to take a decisive approach regarding the recruitment of female candidates. The 2004 Plan makes advances by furthering accountability, stating that States should be proactive in the appointment of women, and establishing that the Chairman in Office and the Secretariat will be proactive in promoting the nomination of women candidates. The 2004 also takes other measures seeking to eliminate gender-biased job specifications or requirements and to achieve gender-balanced interviews and shortlists.

Yet, all these measures are constrained to removing “formal barriers” and thus, fail to implement the concept of “de facto equality” embedded in CEDAW. The 2004

Gender Action Plan does not, for example, state that an equal number of male and female candidate should be appointed by the States, called for an interview or short listed. Obviously, it neither says that female candidates will be “preferred” under certain circumstances. The “encouragement” measures have been long applied by the OSCE. However they have failed to achieve a balanced representation of women within the OSCE institutions.

Therefore, we consider that the elimination of gender biased recruitment requirements or procedures is not enough. As stated in the previous sections indirect discrimination is equally prohibited under the provisions of CEDAW. Gender neutral policies and practices are often gender blind and have a negative impact on the situation of women.

Consequently, this report suggests the OSCE to consider the introduction of affirmative action and/or quotas in the process of recruitment and promotion within its institutions, including field missions. In the following section we examine the content and scope of different types of affirmative action measures and quotas.

#### 4.6.2 Affirmative action and quotas

The term positive action has been defined by the European Equal Opportunities Commission as a variety of measures designed to counteract the effects of past discrimination and to put an end to gender stereotyping. Within the context of recruitment it often involves the establishment of a preferential treatment for women where they are underrepresented. Affirmative action is not equal to quotas since it does not allocate a number or percentage of positions to women, but introduces a clause to “tilt the balance” in their favour. Both positive action and quotas have been considered by the CEDAW Committee as comprised within the concept of “temporary especial measures” to achieve de facto equality.

At the European Community (EC) level there is no specific gender equality legislation in the area of political decision making. However, in the area of employment, there is not only a branch of legislation but also case law tackling the issue of affirmative action and quotas. The following case law assesses the scope of article (2.4) of the 1976 equal treatment Directive 76/207/EEC, upholding the adoption of “measures to promote equal opportunity for men and women, in particular by removing existing inequalities which affect women's opportunities”<sup>50</sup>.

The adoption of positive action suffered a strong setback following the 1995 *Kalanke*<sup>51</sup> judgement. In its decision, the European Court of Justice (ECJ) found that national rules, which guarantee women absolute and unconditional priority for appointment or promotion, overstep the limits of article 2(4). Six months after the ruling, the Commission formulated its interpretation of *Kalanke* in a communication. In this communication the Commission stressed its view that the ruling only applies to laws that give women ‘absolute and unconditional priority’. In other words, the ruling did not forbid positive action in general but was against ‘a rigid quota system under

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<sup>50</sup> Art. 2(4) of the 1976 Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. See OJ 1976 L 39/40

<sup>51</sup> C-450/93 *Kalanke v. Freie Hansestadt Bremen* [1995] ECR I-3051

which there is no possibility of taking particular individual circumstances into account’.

In 1997, the *Marschall*<sup>52</sup> judgement mitigated the situation by upholding national legislation establishing a system of preference in favour of women. The rule of preference contained a “savings clause” requiring specific circumstances concerning male candidates to be taken into account.

In 2000, in *Badeck*<sup>53</sup> the Court decided among other things that: “In so far as its objective is to eliminate under-representation of women, in trained occupations in which women are under-represented and for which the State does not have a monopoly of training, allocates at least half the training places to women, unless despite appropriate measures for drawing the attention of women to the training places available there are not enough applications from women [...]’. Thus, given that the State does not have a monopoly of training and that enough women apply the Court declared a fixed quota of fifty percent compatible with the Directive. This is a far stricter quota than the ones found in *Kalanke* or *Marschall* because neither individual qualifications nor individual circumstances were taken into consideration.

Also in 2000, in *Abrahamsson*<sup>54</sup> the ECJ had to decide again on positive action measures. This time a Swedish rule came under scrutiny. Under the rule “a candidate for a public post who belongs to the under-represented sex and possesses sufficient qualifications for that post must be chosen in preference to a candidate of the opposite sex who would otherwise have been appointed, where this is necessary to secure appointment of a candidate of the under-represented sex and the difference between the respective merits of the candidates is not so great as to give rise to breach of the requirement of objectivity in making appointments”. The ECJ declared such a rule incompatible with the Equal Treatment Directive and Amsterdam. The ECJ repeated its reasoning found in *Kalanke* and *Marschall* that automatic preference without any consideration of the ‘specific personal situations of all candidates’ was not covered under Article 2(4) of the Directive.

The European Court's judgments therefore suggest that absolute quotas are unlikely to be lawful, but suitably qualified quotas may be acceptable. So although positive action is welcomed and indeed recommended as a principle of European law, it must not be implemented in a way that is out of proportion to the qualities of the candidates and ends up making stereotypical assumptions about the men women and ignoring their own personal circumstances. In this case law, positive action was considered an exception to equal treatment and not a tool to combat indirect discrimination, was not in line with Art.4(1) of CEDAW, which states that positive action measures do not constitute discrimination.

As a consequence to the controversy raised by the above-mentioned case law, in 2002, the European Parliament and the Council adopted Directive 2002/73/EC, amending the 1976 Directive on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and

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<sup>52</sup> C-409/95 Hellmut Marschall v. Land Nordrhein Westfalen [1997] ECR I-6363

<sup>53</sup> C-158/97 Badeck v. Landesanwalt beim Staatsgerichtshof des Landes Hessen [2000] ECR I-1875

<sup>54</sup> C-407/98 Abrahamsson & Anderson v. Fogelqvist [2000] ECR I -5539



working conditions. This change was preceded by the 1999 Amsterdam revision of the EC Treaty, which introduced article (114)<sup>55</sup>. Recital 14 of the new directive states: “Member States may, under Article 141(4) of the Treaty, maintain or adopt measures providing for specific advantages, in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers. Given the current situation, and bearing in mind Declaration No. 28 to the Amsterdam Treaty, Member States should, in the first instance, aim at improving the situation of women in working life.”

In addition, Article 2(4) of the 1976 Directive is substituted by article 2(8) of the current text, stating that: “Member States may maintain or adopt measures within the meaning of Article 141(4) of the Treaty with a view to ensuring full equality in practice between men and women.”

The 2002 Directive presents a legislative progression from a formal approach to equality, which considered temporary special measures as a derogation of the general prohibition of discrimination, to embracing the concept of de facto equality.

Although it is still necessary to wait for the emergence on case law affecting the provisions under the new 2002 directive, it is possible to say that also within the EC, there has been a positive change towards the adoption of positive action and the concept of substantive equality.

#### 4.6.3 Assessment

It is somewhat reprehensible, that the OSCE has failed to embrace it at all, while the understanding of positive action within both the universal and the regional level has advanced. Even the adoption by the OSCE of a Marschall “soft” type of preferential treatment would constitute a progress towards the substantive equality. The OSCE could take into account what stated by the Court in Marchall:

*“It appears that even where male and female candidates are equally qualified, male candidates tend to be promoted in preference to female candidates particularly because of prejudices and stereotypes concerning the role and capacities of women in working life and the fear, for example, that women will interrupt their careers more frequently, that owing to household and family duties they will be less flexible in their working hours, or that they will be absent from work more frequently because of pregnancy, childbirth and breastfeeding. For these reasons, the mere fact that a male candidate and a female candidate are equally qualified does not mean that they have the same chances”<sup>56</sup>*

This kind of positive action measure acts as a “tie breaker” but it is based on two questionable assumptions. First, it is based on the concept of “equal qualifications”, which is difficult to determine in practice. Secondly, it wrongly assumes that when

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<sup>55</sup> Article 114 states that: "With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers."

<sup>56</sup> Para 29 and 30

deciding on the qualifications of each candidate, stereotypes or gender-biased criteria don't apply.

Because of this we consider that the optimal way for the OSCE to establish affirmative action will be to set up a "Badeck" type of rule. Regarding the recruitment and internal promotion to positions where women are underrepresented the OSCE could establish a preference rule in favor of female candidates who are considered as sufficiently qualified for the position. This could be adopted as a temporary measure until a substantial representation of women (of 30% or 40%) is achieved at the senior and upper management levels, and within the Field Missions. In addition, it could be established that in the case of seconded positions, every second or third candidate presented by States needs to be female

#### 4.6.4 Staff regulations

While the OSCE Gender Action Plan tackles the issue of recruitment it neglects to acknowledge the importance of enabling the necessary internal regulations to make the OSCE an organization where women want to work.

The OSCE Staff Regulations and Staff Rules<sup>57</sup> were approved by the Permanent Council and apply to the Secretary General, Heads of Institutions and Missions; and staff and mission members.

#### *Part-time employment*

It is established that the Secretary General or the respective head of institution/mission may authorize contracted local staff/mission members except national Professional staff, to work on a part-time basis.<sup>58</sup> According to this provision it is not possible for international staff or the locals at the Professional level to work part-time. It is necessary to remember that women are usually the most benefited by the possibility of working part-time, as this enables them to conciliate work with their family responsibilities. The OSCE should consider enabling more flexible provisions regarding part-time work, particularly regarding the most senior and field mission positions, where women are predominantly underrepresented.

#### *Non-Family Status of the Missions*

Staff regulations state the non-family status of the Missions and establish: "International mission members shall assume full responsibility for their families in the duty stations. They shall not in any case be granted any benefit or entitlement due the presence of their families at the duty station."<sup>59</sup> It is the responsibility of the Secretary General to determine when a mission is "not-secure"<sup>60</sup> International mission members shall not be allowed to establish their families in a duty station which has been declared as not secure to establish families.<sup>61</sup>

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<sup>57</sup> DOC.SEC/3/03 September 2003 Updated: 13 January 2005

<sup>58</sup> Regulation 7.01.2(a)

<sup>59</sup> Regulation 2.09 – Non-Family Status of the Missions

<sup>60</sup> Regulation 2.08 - Hardship/Hazard Status of Missions

<sup>61</sup> Regulation 2.09.1 (a)

Because women do still bear a greater burden within the family and the household, there is a tendency for this provision to negatively affect women to a greater extent than men. In addition statistics show that fewer women seek employment within the OSCE Field Missions, which is one of the areas where women are most underrepresented. Furthermore, this kind of provision encourages only young people with no family obligations to apply for positions.

#### *Maternity/Paternity leave*

The staff rules and regulations enable the following regime regarding maternity leave: As a general rule female OSCE officials shall be entitled to maternity leave of sixteen consecutive weeks.<sup>62</sup> Furthermore, it is established that after completing maternity leave, a staff/mission member shall be allowed time off for not more than one hour daily in order to breast-feed her child below six months.<sup>63</sup> This maternity leave on full pay applies to fixed-term staff/mission members.<sup>64</sup> It is also subject to a minimum of one year service.<sup>65</sup> Regarding paternity leave, the staff regulations state that OSCE officials shall be entitled to special leave of paternity for 4 days on full or partial pay or without pay.<sup>66</sup> In addition, if both spouses are OSCE officials, an unused period of maternity leave may be used as paternity leave.<sup>67</sup>

Although sixteen consecutive weeks of parental leave is a better standard than in some of the participating States themselves, those countries with the best gender equality situations, such as the Scandinavian countries, have adopted far more generous systems. If the OSCE wants to set an example, it should consider extending maternity leave for a longer period.

Finally, we consider that a full paid paternity leave of at least three months (minimum under European Law) should be established by the OSCE in order to eliminate stereotyped roles for men and women, in accordance with article 5 of CEDAW. Under the current regime, parental leave can only extend beyond the 4 days when both parents are OSCE officials.

In conclusion, we can state that OSCE Staff Rules and Regulations generally do not take gender into account, this having in some instances a negative impact on the situation of women within the Organization. In general, the regulations would benefit from their review through gender lens in order to further gender equality.

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<sup>62</sup> Regulation 7.06 (a)– Maternity and Adoption Leave

<sup>63</sup> Rule 7.06.02(f) – Maternity leave

<sup>64</sup> Rule 7.06.1(a) – Conditions for Entitlement

<sup>65</sup> Rule 7.06.1(b)

<sup>66</sup> Regulation 7.04(a)(ii)

<sup>67</sup> Rule 7.06.02(e) – Maternity leave

## 5. Gender in the Parliamentary Assembly

### 5.1 Officers of the OSCE PA

#### Members of the Bureau

Name	Country	President	Term
Mr. Alcee Hastings	United States	President	To end 2005 Session
Ms. Barbara Haering	Switzerland	Vice-President	To end 2005 Session
Mr. Ihor Ostash	Ukraine	Vice-President	To end 2005 Session
Mr. Gert Weisskirchen	Germany	Vice-President	To end 2005 Session
Mrs. Nino Burjanadze	Georgia	Vice-President	To end 2006 Session
Mrs. Tone Tingsgaard	Sweden	Vice-President	To end 2006 Session
Mr. Nevzat Yalcintas	Turkey	Vice-President	To end 2006 Session
Ms. Nebahat Albayrak	Netherlands	Vice-President	To end 2007 Session
Mr. Panos Kammenos	Greece	Vice-President	To end 2007 Session
Mr. Giovanni Kessler	Italy	Vice-President	To end 2007 Session
Mr. Jerry Grafstein	Canada	Treasurer	To end 2005 Session
Mr. Bruce George	United Kingdom	President Emeritus	To end 2005 Session

#### Officers of the General Committees

##### I. General Committee on Political Affairs and Security

Mr. Göran Lenmarker	Sweden	Chair	
Mr. Jean-Charles Gardetto	Monaco	Vice-Chair	
Mr. Pieter De Crem	Belgium	Rapporteur	

## II. General Committee on Economic Affairs, Science, Technology and Environment

Mr. Benjamin Cardin	United States	Chair	
Ms. Maria Santos	Portugal	Vice-Chair	
Mr. Leonid Ivanchenko	Russian Federation	Rapporteur	

## III. General Committee on Democracy, Human Rights and Humanitarian Questions

Ms. Claudia Nolte	Germany	Chair	
Ms. Cecilia Wigstrom	Sweden	Vice-Chair	
Ms. Anne-Marie Lizin	Belgium	Rapporteur	

### 5.2 Female Presidents and Vice-presidents of the OSCE PA

Year	Position	Name	Country of Origin
1991 – 1994	Vice-President	Ritt Bjerregaard	Denmark
1995 – 1998	Vice-President	Helle Degn	Denmark
1998 – 2000	President	Helle Degn	Denmark
1997 – 2000	Vice-President	Irena Lipowicz	Poland
1998 – 2000	Vice-President	Tana de Zulueta	Italy
2000 – 2003	Vice-President	Rita Süßmuth	Germany
To end 2006 Session	Vice-President	Nino Burjanadze	Georgia
To end 2005 Session	Vice-President	Barbara Haering	Switzerland
To end 2006 Session	Vice-President	Tone Tingsgaard	Sweden
To end 2007 Session	Vice-President	Nebahat Albayrak	Netherlands

### 5.3 Female Parliamentarians participating in the Annual Sessions of the OSCE PA 2000-2004

Country	2000	2001	2002	2003	2004
Albania	0 / (out of) 3	0 / (out of) 1	0 / 2	0 / (out of) 3	1/3
Andorra	0 / 3	0 / 1	0 / 3	0 / 3	0/4
Armenia	0 / 3	0 / 2	0 / 3	0 / 2	1/3
Austria	2 / 5	2 / 5	1 / 5	1 / 6	1/5
Azerbaijan	0 / 2	0 / 3	1 / 5	1 / 4	1/5
Belarus	0 / 3	0 / 3	-	1 / 3	1/3
Belgium	1 / 4	2 / 8	2 / 8	2 / 6	1/8
Bosnia-H	0 / 0	1 / 2	1 / 3	1 / 3	1/2
Bulgaria	1 / 4	0 / 0	3 / 5	1 / 5	2/5
Canada	2 / 7	1 / 3	1 / 10	2 / 10	2/9
Croatia	1 / 3	1 / 3	1 / 3	1 / 3	0/6
Cyprus	0 / 3	1 / 3	1 / 3	1 / 3	1/3
Czech Rep	0 / 5	0 / 8	0 / 8	1 / 7	1/8
Denmark	3 / 5	3 / 6	1 / 5	1 / 5	2/4
Estonia	0 / 3	0 / 3	0 / 3	1 / 3	1/3
F.Y. Yugslv	0 / 0	0 / 3	0 / 3	-	-
Finland	4 / 5	5 / 6	5 / 6	1 / 6	1/6
F.Y.R Mcdn	0 / 1	0 / 3	0 / 1	0 / 3	0/3
France	0 / 10	0 / 10	0 / 8	0 / 9	1/13
Georgia	1 / 3	1 / 5	2 / 6	2 / 7	2/5
Germany	6 / 12	3 / 10	4 / 14	6 / 11	4/12
Greece	0 / 5	1 / 6	0 / 5	0 / 7	1/6
Holy See	0 / 0	0 / 0	0 / 1	0 / 1	0/1
Hungary	0 / 4	0 / 6	0 / 6	0 / 4	0/3
Iceland	2 / 3	1 / 6	2 / 3	3 / 3	2/3
Ireland	0 / 4	0 / 6	1 / 6	0 / 4	0/5
Italy	1 / 9	1 / 10	2 / 10	2 / 12	1/7
Kazakhstan	0 / 4	0 / 6	0 / 6	0 / 6	0/6
Kyrgyzstan	0 / 0	0 / 4	0 / 3	-	0/3
Latvia	0 / 2	1 / 2	1 / 3	0 / 1	1/3
Liechtenstn	2 / 2	2 / 2	2 / 2	2 / 2	2/2
Lithuania	0 / 2	0 / 3	0 / 2	0 / 1	1/2
Luxembourg	0 / 4	0 / 2	0 / 5	1 / 4	0/2
Malta	0 / 3	0 / 4	0 / 3	0 / 3	0/2
Moldova	0 / 3	0 / 3	0 / 2	0 / 1	0/1
Monaco	0 / 1	0 / 2	0 / 1	1 / 3	1/3
Netherlands	3 / 8	3 / 8	3 / 8	2 / 5	1/5
Norway	1 / 6	1 / 5	2 / 6	1 / 6	1/6
Poland	0 / 4	1 / 6	0 / 8	2 / 7	1/7
Portugal	2 / 4	2 / 5	2 / 8	2 / 4	2/6
Romania	0 / 7	1 / 11	0 / 7	0 / 7	0/7
Russian Fed	1 / 9	1 / 11	1 / 9	2 / 14	1/14
San Marino	1 / 1	1 / 2	1 / 2	1 / 2	0/2
Serbia&Mtg	-	-	-	1 / 3	0/5
Slovakia	1 / 3	1 / 4	1 / 3	0 / 4	-
Slovenia	1 / 2	0 / 3	0 / 3	0 / 4	0/1
Spain	4 / 8	3 / 10	4 / 10	3 / 9	1/6
Sweden	4 / 7	3 / 7	3 / 8	5 / 8	6/8
Switzerland	1 / 7	1 / 6	1 / 5	1 / 6	1/7
Tajikistan	0 / 0	1 / 5	0 / 4	0 / 4	1/5
Turkey	0 / 9	0 / 8	0 / 9	1 / 8	1/8
Turkmenists	0 / 0	0 / 1	-	-	-
Ukraine	1 / 3	0 / 4	0 / 8	0 / 8	0/7
UK	0 / 10	1 / 12	1 / 11	3 / 11	3/13
USA	1 / 9	7 / 33	2 / 11	2 / 8	2/13
Uzbekistan	0 / 3	1 / 3	0 / 3	-	-
<b>TOTAL</b>	<b>47 / 230</b>	<b>54 / 302</b>	<b>52 / 285</b>	<b>58 / 271</b>	<b>54/279</b>

## Average Participation in the Annual Sessions of the OSCE PA 1999-2004

<b>Edinburgh 2004</b>			<b>Rotterdam 2003</b>		<b>Berlin 2002</b>	
Women	54	19.3%	58	21.4%	52	17.2%
Men	225	80.6%	213	78.6%	250	82.8%
Total	279		271		302	

<b>Paris 2001</b>		<b>Bucharest 2000</b>		<b>St Petersburg 1999</b>	
54	17.1 %	51	20%	42	15.2%
248	82.9 %	204	80%	234	84.8%
302		255		276	

## OSCE PA Annual Sessions 1999-2004

### Participation Overview

Women	523	15 %
Men	2968	85 %
Total	3491	

## 5.4 Participation in the OSCE PA Winter Meetings 2002-2005

<b>Vienna 2005</b>			<b>Vienna 2004</b>	
Women	38	17.5%	32	16%
Men	179	82.4%	167	84%
Total	217		199	

<b>Vienna 2003</b>		<b>Vienna 2002</b>	
43	20%	49	21.7%
173	80%	176	78.2%
216		225	

## OSCE PA Winter Meetings 2002-2005

### Participation Overview

Women	162	18.9%
Men	695	81.09%
Total	857	

## Participation in the OSCE PA Rhodes Fall Meeting 2004

Women	27	20.7%
Men	103	79.2%
Total	130	

**Conclusion: Women representation within the OSCE PA remained stable but low. This under representation is directly related to number of women in national parliaments.**

## **5.5 Participation in Election Monitoring**

### **OSCE Parliamentary Assembly – Election Monitoring, 2004-Mid 2005**

#### **Georgia, Presidential Elections, January 2004**

Head: male (Bruce George, United Kingdom)

MPs: 19 male

3 female

Total: 22 MPs from 14 PS

OSCE staff: 2 male, 1 female

#### **Georgia, Parliamentary Elections, March 2004**

Head: male (Bruce George, United Kingdom)

MPs: 23 male

3 female

Total: 26 MPs from 17 PS

OSCE staff: 1 male, 1 female

#### **Kazakhstan, Parliamentary Elections, September 2004**

Head: male (Ihor Ostash, Ukraine)

MPs: 30 male

1 female

Total: 31 MPs from 15 PS

OSCE staff: 2 male

#### **Belarus, Parliamentary Elections, October 2004**

Head: female (Tone Tingsgård, Sweden)

MPs: 40 male

7 female

Total: 47 MPs from 25 PS

OSCE staff: 3 male

#### **Ukraine, Presidential Elections**

Head: male (Bruce George, United Kingdom)

##### **First Round, October 2004**

MPs: 41 male

8 female

Total: 49 MPs from 21 PS

OSCE PA staff: 3 male

##### **Second Round, November 2004**

MPs: 28 male

3 female

Total 31 MPs from 17 PS

OSCE PA staff: 2 male

##### **Third Round, December 2004**

MPs: 77 male

9 female

Total: 86 MPs from 23 PS

OSCE staff: 3 male, 1 female



### United States of America Presidential Elections, November 2004

Head: female (Barbara Haering, Switzerland)

MPs: 37 male  
9 female

Total: 46 MPs from 21 PS

OSCE PA staff: 4 male, 2 female

### Kyrgyzstan, Parliamentary Elections, February 2005

Head: male (Kimmo Kiljunen, Finland)

MPs: 10 male

Total: 10 MPs from 6 PS

OSCE staff: 1 male

### Moldova, Parliamentary Elections, March 2005

Head: male (Kimmo Kiljunen, Finland)

MPs: 45 male

11 female

Total 56 MPs from 17 PS

OSCE staff: 3 male, 1 female

**Average of female participation in Election Monitoring** (taking into account the US, the 3 Ukrainian rounds, presidential and parliamentary elections in Georgia, Belarus, Moldova, Kazakhstan and Kyrgyzstan): **11.8%**

## **5.6 OSCE PA International Secretariat**

The OSCE PA has a small secretariat with 14 permanent staff members, seven women and seven men, as well as six full-time research assistants who work at the Secretariat for six months. The Secretary General and one Deputy Secretary General are male. For the other Deputy Secretary General position, which is currently vacant, the Secretary General has nominated a woman. Her appointment is pending to be confirmed by the Standing Committee.

### 5.6.1 The International Fellowship Programme

The multi-national team of Research Fellows marks one of the more positive examples with the OSCE system. Within the International Research Fellowship Programme, the gender balance is close to perfect. At present, there are three female and three male Research Fellows working at the OSCE PA International Secretariat.

### February 1995 - March 2005

Women	69	51.4 %
Men	65	48.5 %
Total	134	

### **5.7 Study of the correlation between the number of changes made in the OSCE PA delegations participating in the Annual Session and female representation within the OSCE PA.<sup>68</sup>**

The Gender Unit at the International Secretariat of the OSCE PA conducted a study seeking to find out whether changes within the country Delegations to the Assembly and regarding the Heads of Delegations favor the appointment of female parliamentarians.

The study demonstrates that there is not any direct correlation between the number of changes made in the number of participants in the Annual Meetings and the number of female participants in these delegations. Although the changes are high in some countries i.e. Russia, USA, Turkey, Canada, Germany, Italy and Ireland, there are no signs that these changes have been in benefit of the women participants. In Ireland, for instance, there have been forty six changes throughout the years from 1992 to 2004 but there has been no difference in the number of female participants in the Annual Meeting in 2004. In Russia there have been sixty changes throughout the years. However, these changes did not benefit women either. In 1992 there were two female members in the participating delegation; and in 2004 there were none. In Germany and Canada, there have been over forty changes, and in 2004 there is seen an increase in the number of the female participants. However, this increase can not be generalized.

There have been few changes in Cyprus, Estonia, Latvia, Lichtenstein, and Moldova throughout the years. However, lack of change did not have an effect on the female participation either. In Cyprus, there have been five changes and the number of the women has increased from zero in 1992 to one in 2004. In Monaco, there have been two changes and the number of women did increase to one from zero. In Latvia there has been an increase in the number of the female participants too. However, the female participation in countries where there have been less than ten changes did not get affected i.e. Lithuania, Malta, Moldova and San Marino.

#### *Heads of Delegation*

The changes made in the heads of the delegations do not have an impact on the gender of the head of the delegations. In the countries where there have been more than five changes, i.e. Albania, Armenia, Austria, Ireland, and Switzerland, there have been no benefits to the women. Also, less change does not mean harm to the women either. In the countries like Denmark, Germany, and Lichtenstein, there were changes less than three. However, this did not harm the women in these delegations as heads of the delegations. They did dominate the presidencies of these delegations.

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<sup>68</sup> Prepared by Cigdem Ustun from the International Secretariat

## 5.8 Women in National Parliaments in OSCE Countries<sup>69</sup>

Rank	Country	Lower or single House				Upper House or Senate			
		Elections	Seats*	Women	% W	Elections	Seats*	Women	% W
1	Sweden	09 2002	349	158	45.3	---	---	---	---
2	Norway	09 2001	165	63	38.2	---	---	---	---
3	Finland	03 2003	200	75	37.5	---	---	---	---
4	Denmark	02 2005	179	66	36.9	---	---	---	---
5	Netherlands	01 2003	150	55	36.7	06 2003	75	22	29.3
6	Spain	03 2004	350	126	36.0	03 2004	259	60	23.2
7	Belgium	05 2003	150	52	34.7	05 2003	71	27	38.0
8	Austria	11 2002	183	62	33.9	N.A.	62	17	27.4
9	Germany	09 2002	601	197	32.8	N.A.	69	13	18.8
10	Andorra	04 2005	28	9	32.1	---	---	---	---
11	Iceland	05 2003	63	19	30.2	---	---	---	---
"	Belarus	10 2004	109	32	29.4	11 2004	57	18	31.6
12	Bulgaria	06 2001	240	63	26.3	---	---	---	---
13	Switzerland	10 2003	200	50	25.0	10 2003	46	11	23.9
14	Liechtenstein	03 2005	25	6	24.0	---	---	---	---
15	Luxembourg	06 2004	60	14	23.3	---	---	---	---
16	Lithuania	10 2004	141	31	22.0	---	---	---	---
17	Croatia	11 2003	152	33	21.7	---	---	---	---
18	Portugal	02 2005	230	49	21.3	---	---	---	---
29	Canada	06 2004	308	65	21.1	N.A.	89	33	37.1
20	Latvia	10 2002	100	21	21.0	---	---	---	---
21	Monaco	02 2003	24	5	20.8	---	---	---	---
22	Poland	09 2001	460	93	20.2	09 2001	100	23	23.0
23	The F.Y.R. of Macedonia	09 2002	120	23	19.2	---	---	---	---
24	Estonia	03 2003	101	19	18.8	---	---	---	---
25	United Kingdom	06 2001	659	119	18.1	N.A.	707	126	17.8
26	Tajikistan	12 2004	120	21	17.5	01 2005	100	15	15.0
27	Uzbekistan	02 2005	63	11	17.5	03 2005	34	8	23.5
28	Czech Republic	06 2002	200	34	17.0	10 2004	81	10	12.3
"	Bosnia and Herzegovina	10 2002	42	7	16.7	N.A.	15	0	0.0
"	San Marino	06 2001	60	10	16.7	---	---	---	---
29	Slovakia	09 2002	150	25	16.7	---	---	---	---
30	Cyprus	05 2001	56	9	16.1	---	---	---	---
31	Turkmenistan	12 2004	50	8	16.0	---	---	---	---
32	United States of America	11 2004	435	66	15.2	11 2004	100	14	14.0
33	Greece	03 2004	300	42	14.0	---	---	---	---
34	Ireland	05 2002	166	22	13.3	07 2002	60	10	16.7
35	France	06 2002	574	70	12.2	09 2004	331	56	16.9

<sup>69</sup> Situation as of 30th April 2005

Rank	Country	Lower or single House				Upper House or Senate			
		Elections	Seats*	Women	% W	Elections	Seats*	Women	% W
"	Slovenia	10 2004	90	11	12.2	---	---	---	---
36	Italy	05 2001	616	71	11.5	05 2001	321	26	8.1
37	Romania	11 2004	331	37	11.2	11 2004	137	13	9.5
38	Azerbaijan	11 2000	124	13	10.5	---	---	---	---
39	Kazakhstan	09 2004	77	8	10.4	09 2004	39	3	7.7
40	Russian Federation	12 2003	447	44	9.8	N.A.	178	6	3.4
41	Georgia	03 2004	235	22	9.4	---	---	---	---
42	Malta	04 2003	65	6	9.2	---	---	---	---
43	Hungary	04 2002	385	35	9.1	---	---	---	---
44	Serbia and Montenegro (3)	02 2003	126	10	7.9	---	---	---	---
45	Albania	06 2001	140	9	6.4	---	---	---	---
46	Armenia	05 2003	131	7	5.3	---	---	---	---
"	Ukraine	03 2002	450	24	5.3	---	---	---	---
47	Turkey	11 2002	550	24	4.4	---	---	---	---
48	Kyrgyzstan	02 2005	63	2	3.2	---	---	---	---
?	Republic of Moldova	03 2005	101	?	?	---	---	---	---

### 5.9 Gender Representation in National Parliaments - Regional averages<sup>70</sup>

	Single House or lower House	Upper House or Senate	Both Houses combined
<b>Nordic countries</b>	<b>39.9%</b>	---	39.9%
<b>Europe - OSCE member countries including Nordic countries</b>	<b>18.9%</b>	16.9%	18.5%
<b>Americas</b>	<b>18.8%</b>	19.5%	18.9%
<b>Europe - OSCE member countries excluding Nordic countries</b>	<b>16.9%</b>	16.9%	16.9%
<b>Asia</b>	<b>15.2%</b>	13.5%	15.1%
<b>Sub-Saharan Africa</b>	<b>15.0%</b>	14.2%	14.9%
<b>Pacific</b>	<b>11.2%</b>	26.5%	13.3%
<b>Arab States</b>	<b>8.8%</b>	5.6%	8.1%

<sup>70</sup> Situation as of 30th April 2005

## 5.10 Comparative assessment: Women in parliament <sup>71</sup>

### *Gradual progress at each of the two extremes*

Since 1945, there has been an improvement in the representation women in parliaments worldwide. Progress has been marked, however, by significant regional contrasts. Throughout this period, the Nordic countries have maintained their exemplary position with averages consistently over 38%. Although not often noted, today's percentages reflect enormous progress over a fifty-year time-frame. In the post-war era, women counted between 1.3 and 14.5% of lower chambers in the parliaments of the Scandinavian countries. Dramatic change occurred during the 1970s, attributed to profound social changes occurring in tandem with marked economic growth. The fact that the regional average has continued to increase over the past ten years may indicate that these parliaments have yet more progress to make.

Over the last ten years, women have continued to be least represented in the parliaments of the Arab States. While regional averages have oscillated in this period, overall, Arab States have seen an encouraging increase in the percentage of women in parliament. Today, the regional average is at its highest, at 6.5% across both houses, marking an improvement of some 2.3 percentage points. Much of this is attributed to the implementation of various quotas in key countries. Morocco led this effort when the electoral law was amended to reserve 30 seats for women in parliament prior to the 2002 elections.

### *Striking progress in Europe, the Americas and Africa*

Progress made in Europe can be largely attributed to progress made in Eastern European countries, as traditional western democracies have seen only a feeble increase in the number of women MPs. When the Iron Curtain fell in Europe, so did the percentages of women in parliament in Eastern Europe. Women in the former Union of Soviet Socialist Republics for example, frequently represented at least 30% of the legislature. Yet in 1990, the proportion of women elected in the Russian Federation, for example, amounted to less than 9%. A return to "post-war" figures was similarly evident in the first pluralist elections held in many other East European nations. In Romania, women comprised 3.6% of the Chamber of Deputies and 0.8% of the Senate in 1990, a drop from 34.4% in 1983. In Hungary, women's representation collapsed to 7.3% in 1990 from 30.1% in 1980, and 20.7% in 1985. In the subsequent elections held between 1993 and 1995, advances were made. Today, as multi-party democracies spread in the region, and with the European Union integration, the number of women in parliament has slowly but surely begun to increase. Elections in 2001 saw women advance in Croatia (+12.7 points) and Tajikistan (+9.9 points). In 2002, elections saw an increased presence of women in Bulgaria (+15.4 points) and Poland (+7.2 points).

The impressive 5.9 percentage point increase in women's parliamentary representation in the Americas over the past 10 years is in large part attributable to the enthusiasm with which many countries in Latin and Central America have implemented affirmative action measures. Different types of quotas now exist in 17 countries of the

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<sup>71</sup> "Ten years in review: Trends of women in National Parliaments Worldwide" IPU background information paper, included in "Women in Politics 1945-2005"

Americas. More specifically, great progress was made after the 2002 elections in Costa Rica, where women increased their representation by 15.8 percentage points, and the 2001 elections in Nicaragua (+11 points), Peru (+10 points) and Dominica (+9.1 points). It remains pertinent that similar degrees of progress continue to elude the countries of North America.

Progress evident in Sub-Saharan Africa is also attributable to the implementation of quotas. The most successful cases have seen various affirmative action measures enshrined in constitutions or electoral laws following processes of post-conflict reconstruction. Nations emerging from internal conflict have succeeded in increasing the percentage of women in their new or restored parliaments. The reviewed national constitutions of Rwanda and Burundi, for example, now include provisions to reserve seats for women; in South Africa and Mozambique, political parties have introduced quota mechanisms. At a regional level, the Southern African Development Community (SADC) countries have now set a target for women's representation in parliament of 30% by 2005. These efforts have meant that alongside the Nordic States, the African post-conflict countries now rank among those with the highest levels of women's representation in the world. In South Africa, Mozambique, Namibia, Uganda and Eritrea, women's representation in parliament now ranges from 22 to 33%.

#### *Inconsistent progress in Asia and the Pacific*

While each region has seen an overall increase in the proportion of women represented in parliament, this progress has not always been consistent. In Asia and the Pacific, for example, progress achieved by 2000 was lost, to some extent, in subsequent elections. In fact, the small extent to which women's representation in Asian legislatures has changed points to a particular difficulty women have in being accepted as legitimate political actors. The case of Bangladesh is illustrative. In 2001, women's representation fell from nine to two percent when the quota law reserving 30 additional appointed seats for women expired. The result implies that in the absence of this special measure, parties and voters are not sufficiently sensitive to the need for women in political life. Nearby, the volatility of the averages in the Pacific is attributable to changes in two of the region's countries: Australia and New Zealand. But for these countries, the average of the Pacific would be considerably lower. Of the twelve remaining countries in the region, half have no women in parliament, while the other six have between 0.9% and 6.2%.

### **5.11 Gender Balance within the Parliamentary Assembly of the Council of Europe, the European Parliament and the Inter-Parliamentary Union**

#### 5.11.1 COE

The Council of Europe's concern with furthering women's participation in political life has been reflected in initiatives by two of its bodies, the Committee of Ministers and the Parliamentary Assembly, whose action fostering gender equality has mainly been through its Committee for Equal Opportunities between Women and Men.

The Parliamentary Assembly of the Council of Europe (PACE) assigns the Committee on Equal Opportunities for Women and Men, to the question of gender equality within the Parliamentary Assembly and the Member States of the Council of

Europe.<sup>72</sup> The Committee's mandate covers a wide range of tasks and objectives. It aims to influence policies and legislation procedures in order to enhance gender equality in the Member States of the Council of Europe. This may be achieved through a variety of actions and measures, such as organising seminars and conferences for parliamentarians, encouraging them to promote gender equality in the political decision-making process of their respective countries.<sup>73</sup> Moreover, the Committee aims to foster cooperation between the bodies and committees of different organisations and parliaments dealing with gender issues. This concerns mainly the relation and cooperation with other pan-European parliamentary assemblies, such as the European Parliament, but also a number of inter-governmental and non-governmental organisations.<sup>74</sup>

In 2003 the Parliamentary Assembly adopted the Resolution 1348, which invites national parliaments when electing their delegates to the PACE to “ensure that women are included in the national delegations to the Parliamentary Assembly, at least in the same percentage as is present in the national parliament, with the aim of including, as a minimum, a 30% representation of women; and to avoid in any case the election of a single-gender delegation to the Parliamentary Assembly”<sup>75</sup>. This Resolution also modified the Assembly's Rules of Procedure.

According to the current Rules of Procedure; “insofar as the number of their members allows, national delegations should be composed so as to ensure a fair representation of the political parties or groups in their parliaments. National delegations should include the under-represented sex at least in the same percentage as is present in their parliaments and in any case one representative of each sex.”<sup>76</sup> Accordingly, credentials can be challenged if they do not meet the principles that “national parliamentary delegations should be composed so as to ensure a fair representation of the political parties or groups in their parliaments and should include in any case one representative of each sex.”<sup>77</sup> This implies that delegations could have their credentials refused, as had happened with the Irish and Maltese delegations in January 2004. Resolution 1348 also introduced in the Rules of Procedure the consideration of gender equality in regard to the election of the Vice-Presidents<sup>78</sup> and the Bureaux of committees<sup>79</sup>.

### 5.11.2 EU Parliament

Article 2 and 3.2 of the Amsterdam Treaty establish as one of the tasks of the European Community to promote: “equality between men and women”. While women are still underrepresented in the European Parliament (EP) it is necessary to acknowledge that the current rate of female parliamentarians is substantially higher

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<sup>72</sup> Resolution 1144 (1998) 1 on the creation of a standing committee on Equal Opportunities for Women and Men. See [assembly.coe.int/Documents/AdoptedText/ta98/FRES1144.htm](http://assembly.coe.int/Documents/AdoptedText/ta98/FRES1144.htm)

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Parliamentary Assembly of the Council of Europe, Resolution 1348 (2003) 1, on Gender-balanced Representation in the Parliamentary Assembly, Para 7. For full resolution see <http://assembly.coe.int/Documents/Adoptedtext/ta03/FRES1348.htm>

<sup>76</sup> Rules of Procedure of the Parliamentary Assembly of the Council of Europe, Rule 6.2

<sup>77</sup> Ibid at Rule 7

<sup>78</sup> Ibid at Rule 14.3

<sup>79</sup> Ibid at Rule 45.1

than in most parliamentary assemblies and national parliaments. As of March 2005, 30.3% of the European Parliamentarians are women. It is also important to highlight the progress made by the European Parliament, which had 16.8% female parliamentarians in 1979. However, gender imbalances persist to a large extent. Women generally still remain under-represented within EP leadership roles, much as in many other international parliamentary assemblies. Women make up only 20% of Administration, 22% of all Directors, 15% of Heads of Division, and 0% of all Director-Generals.<sup>80</sup>

In 2000 the EP adopted a Resolution on Women in Decision-making<sup>81</sup>. In this resolution the EP notes that the use of quotas as a transitional measure helps to even up the involvement of men and women in political life. In addition, the Resolution urges the Member States to seek actively to reach a more balanced participation of women and men in all the EU institutions.

In 2003, the EP adopted the Resolution on Gender Mainstreaming in the European Parliament<sup>82</sup> committing itself to adopting and implementing a policy plan for gender mainstreaming. One of the priorities identified in the resolution is to further “gender balance in decision-making processes by increasing the representation of women on Parliament’s governing bodies, on the bureau of committees and delegations and other posts of responsibility, in the composition of delegations and in other missions such as election observation”.

Within the EP, the Committee on Women’s Rights and Equal Opportunities has played an active role in promoting gender equality. This Committee prepared an opinion on the Draft Treaty on the European constitution on 3 September 2003 where it regretted that the Convention did not incorporate an article in the institutional chapter requiring a balanced representation of women and men in the EU institutions. The Committee also elaborated a draft resolution on how to ensure balanced representation of women and men in the European Parliament Election 2004. In the resolution, the necessity of having women in sufficient numbers on party lists in the future Member States is stressed. It calls on the Governments in all Member States and Accession Countries to urgently review the differential impact of electoral systems on the political representation of women in elected bodies and to consider the adjustment or reform of these systems and, if needed, take legislative measures and/or encourage political parties to introduce quota systems and/or take measures to promote a balance in participation. It urges political parties to encourage women candidates to run for European elections and remove all barriers that directly or indirectly discriminate against their participation in elections like ensuring access to affordable and high quality child-care and reorganize working time. Political parties are also urged to ensure that their media strategies take gender balance into account.

However, at the normative level, the European Parliament has not adopted any positive measures to ensure a higher representation of women within the Parliament. The Rules of Procedure do not set up gender-based requirements regarding the election of Parliamentarians or of its governing bodies.

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<sup>80</sup> [www.europarl.eu.int/presentation/default\\_en.htm](http://www.europarl.eu.int/presentation/default_en.htm)

<sup>81</sup> B5-0180/2000

<sup>82</sup> (2002/2025(INI))



<b>EUROPEAN PARLIAMENT</b>				<b>30.3%</b>
<b>Country</b>	<b>Date of elections</b>	<b>Seats</b>	<b>Women</b>	<b>Percentage</b>
Sweden	06.2004	19	11	57.9%
Luxembourg	06.2004	6	3	50.0%
Netherlands	06.2004	27	12	44.4%
Slovenia	06.2004	7	3	42.9%
France	06.2004	78	33	42.3%
Austria	06.2004	18	7	38.9%
Ireland	06.2004	13	5	38.5%
Lithuania	06.2004	13	5	38.5%
Hungary	06.2004	24	9	37.5%
Denmark	06.2004	14	5	35.7%
Finland	06.2004	14	5	35.7%
Slovakia	06.2004	14	5	35.7%
Estonia	06.2004	6	2	33.3%
Spain	06.2004	54	18	33.3%
Germany	06.2004	99	31	31.3%
Belgium	06.2004	24	7	29.2%
Greece	06.2004	24	7	29.2%
Portugal	06.2004	24	6	25.0%
United Kingdom	06.2004	78	19	24.4%
Latvia	06.2004	9	2	22.2%
Czech Republic	06.2004	24	5	20.8%
Italy	06.2004	78	15	19.2%
Poland	06.2004	54	7	13.0%
Cyprus	06.2004	6	0	00.0%
Malta	06.2004	5	0	00.0%
<b>Total:</b>		<b>732</b>	<b>222</b>	<b>30.3%</b>

*Situation as of March 2005*

### 5.11.3 IPU

The improving gender balance situation within the Inter-Parliamentary Union (IPU) is largely owed to the Meeting of Women Parliamentarians and its Coordinating Committee of Women Parliamentarians. Among other objectives, the Meeting of Women MPs seeks to promote an increase the number of women MPs as delegates to Inter-Parliamentary Meetings, and greater participation of women MPs in all senior posts of the Union. This group of women IPU delegates has extensively bolstered the role of women in the IPU by obtaining statutory provisions guaranteeing a gender balance in all IPU bodies and increasing the presence of women in IPU leadership roles.

Specific examples of their efforts can be seen in the Statutes and Rules of Procedure of the IPU. Following an amendment adopted in 1990, the Statutes establish that IPU members shall include male and female parliamentarians in their delegation and shall strive to ensure equal representation of men and women<sup>83</sup>. The inclusion of this rule helped increase the general number of female delegates to the IPU: during the 2003 IPU Conference in Geneva, 28.2% of the delegates were women, while only 25.4 % attended its previous conference.<sup>84</sup> It is also provided that any delegation that for three consecutive sessions of the Assembly is composed exclusively of parliamentarians of the same sex shall automatically be reduced by one person.<sup>85</sup>

A further result of Meeting of Women Parliamentarians' work is Article 23 of the Statutes, which requires that at least two members of the IPU Executive Committee be women.<sup>86</sup> This article has reinforced female leadership within the IPU. Additionally, two men and two women from the Executive Committee together make up the Gender Partnership Group, whose charge is to see that the interests of both genders are equally considered within all IPU decisions and actions. The IPU also publicises the status of women parliamentarians worldwide through its statistical database. Through these and various other efforts, the IPU has clearly internalised the idea that gender equality and partnership is necessary for the attainment of healthy democracy.

### **5.12 How to advance gender equality within the OSCE PA?**

As reflected in the statistics women are highly underrepresented within the OSCE PA. The above-presented data shows that female delegates do not even reach the 20% of the participation in the Annual Sessions and the Winter Meetings. This gender unbalance is particularly manifest in regard to election monitoring, where female delegates' participation is just 11.8 percent, with only two female parliamentarians heading a delegation. In addition, the OSCE PA's rules of procedure establish that "in considering proposed candidates for the Offices of President, Vice-President and Treasurer, the Assembly shall take account of the national composition of the Assembly"<sup>87</sup>. Thus, the OSCE parliamentary Assembly does not establish any gender requirement in regard to the composition of its Delegations or governing organs. This contrasts with the rules of the Parliamentary Assembly of the Council of Europe.<sup>88</sup>

The challenge of combating gender under-representation at the level of the Parliamentary Assembly requires a different approach that when assessing the situation within the OSCE Institutions and Field Missions. The members of the Parliamentary Assembly are obviously not recruited but appointed by their national parliaments. The fact that there are significantly less females within the delegations can be directly related to the fact that women are under-represented within their own parliaments. Overall, female under-representation within the OSCE PA is just another instance of women's de facto discrimination in politics. In addition, female under-representation within the assembly hinders the achievement of gender-balanced at government organs, leadership positions and activities of the PA.

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<sup>83</sup> Statutes of the Inter.-Parliamentary Union, art.10.1 See [www.ipu.org/strct-e/statutes-new.htm](http://www.ipu.org/strct-e/statutes-new.htm)

<sup>84</sup> [www.ipu.org/wmn-e/dlgtns.htm](http://www.ipu.org/wmn-e/dlgtns.htm)

<sup>85</sup> Statutes of the Inter.-Parliamentary Union, art.10.3

<sup>86</sup> Ibid art.23

<sup>87</sup> OSCE PA Rules of Procedure 24 February 2005, SEC.ROP.05 E

<sup>88</sup> See Part 5.11.1

Despite the efforts and calls on States from the Special Representative on Gender Issues the situation, as proved by the data, has not improved during the last years. This report has also shown that changes within the delegations have not a substantial impact on their gender balance. For this reasons this report considers that the only feasible solution for the PA to achieve a de substantial representation of female parliamentarians is the adoption of quotas for both the delegations and the governing organs. While the OSCE PA lacks the competence to take positive measures to increase gender equality within national parliaments it can, at least, decide to have itself a gender-balanced Assembly. It is also important to bear in mind the OSCE PA is lagging behind the Parliamentary Assembly of the Council of Europe and the Inter-Parliamentary Union, where positive measures have been adopted and effectively increased female representation.

Female representation in international organizations is tackled in by the CEDAW Committee under General Recommendation No. 23.

- There are few opportunities for women and men, on equal terms, to represent Governments at the international level and to participate in the work of international organizations. This is frequently the result of an absence of objective criteria and processes for appointment and promotion to relevant positions and official delegations.<sup>89</sup>
- The globalization of the contemporary world makes the inclusion of women and their participation in international organizations, on equal terms with men, increasingly important. The integration of a gender perspective and women's human rights into the agenda of all international bodies is a government imperative.<sup>90</sup>

The following section argues that the adoption of a quota system, in accordance with article 4.1, 7 and 8 of CEDAW, would constitute the most appropriate measure to achieve a “de facto” substantial gender equality within the Assembly and set the OSCE PA at the vanguard of the combat against female discrimination in politics and decision making.

#### *A quota system?*

As stated by the CEDAW Committee, Societies in which women are excluded from public life and decision-making cannot be described as democratic. The concept of democracy will have real and dynamic meaning and lasting effect only when political decision-making is shared by women and men and takes equal account of the interests of both.<sup>91</sup> We consider the PA, by ensuring gender equality, can make a crucial contribution towards the establishment of a “*Democratie paritaire*”.

“*Democratie paritaire*” is a democracy in which there is a balance of women and men in all institutions. It is another way of rethinking democracy, while improving upon it.

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<sup>89</sup> CEDAW at Para 38

<sup>90</sup> CEDAW at Para 39

<sup>91</sup> Ibid at Para 14

It should ultimately lead to a partnership between women and men, a sort of new social contract between the sexes.<sup>92</sup>

In general, the problem of gender inequality in politics is a complex phenomena and one could argue that it will not be resolved by establishing quotas in decision-making, political parties, delegations etc. As explained by political scientist Mariette Sineau<sup>93</sup>: *“The minor role played by women in policy-making stems from several factors. First and foremost, it is the reflection of an economic status that, despite the progress made, remains subordinate, and does not predispose women to exercise political responsibilities. It is a well-established fact that, even in a democratic system, a person stands a greater chance of gaining access to political representation if they have certain “resources” (economic, social, cultural, etc).”*<sup>94</sup>

In addition, historically, since the gender roles were traditionally endorsed based on the public/private dichotomy, women were excluded from the political scenario and those who venture into this realm were perceived as usurpers.

Sineau also explains that: *“Further barriers to women’s entry into the political arena are to be found in institutions and electoral laws, which often foster mechanisms of exclusion. The uninominal voting system, the feminization of government is hampered by the oligarchic manner in which political parties function: in modern democracies, it is political parties that control access to elected bodies, acting as gatekeepers.”*<sup>95</sup>

Parity quotas and thresholds are a key instrument for achieving substantial equality in politics. According to Sineau: *“Only participation quotas, imposing gender balance in all decision making and deliberative bodies, can ensure effective action by women in civic life. Quotas are the appropriate response by democracies, which have a duty to recognise gender difference. The human species comes in two forms, and therefore debate and decision making need to be conducted by men and women alike. But the quota approach must be adhered to as a policy, and not simply a method. Quotas should not be seen as an expedient for bringing about equality but as a tool for implementing the fundamental principles of democracy.”*<sup>96</sup>

Consequently, the Parliamentary Assembly should amend its rules of procedure to establish a minimum quota of 30% female representatives in the respective delegations, and among the officers of the Assembly, in order advance towards achieving substantial gender equality within the Parliamentary Assembly. In any case, and if the establishment of a quota is not decided, the Parliamentary Assembly must promptly proceed to, as a minimum, establish that delegations shall not be single-gendered, following the example set by the PA of the CoE and the IPU.

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<sup>92</sup> This concept was introduced by the philosopher Elisabeth Sledziewski in 1989 at a seminar hosted by the Council of Europe

<sup>93</sup> Dr. Mariette Sineau is a political scientist and Research Director of the “Centre National de la Recherche Scientifique” (CNRS) in Paris. Her main research interests are women's political attitudes and behavior and women in politics.

<sup>94</sup> Mariette Sineau “Participation of young women in political life”, European Youth Centre Strasbourg, 16-17 September 2003

<sup>95</sup> Ibid

<sup>96</sup> Mariette Sineau, “The Council of Europe and the participation of women in political life”, December 2003

## 6. Conclusion

The persistent negative statistics regarding gender equality within the OSCE Institutions and Field Missions demonstrate the failure of the current formal approach undertaken by the OSCE when addressing female under representation. The primary gender imbalance lies in the top positions and the Field Missions, which are significantly male-dominated. Although women comprise the majority of the general service level staff, there is a clear discrepancy on the professional level, management level and in the Field Missions. In addition, the examination of the Staff Rules and Regulations indicates that the OSCE professional working environment is less favorable for women. This report acknowledges the progress made by the 2004 Gender Action Plan towards advancing gender mainstreaming and strengthening accountability. However, the 2004 Gender Action Plan does not adopt any innovative measures to break the “glass ceiling” obstructing women’s access to the higher positions. Therefore, this report suggests the adoption of positive measures in order to achieve de facto gender equality and adjust the OSCE’s approach to the standards comprised in the Convention on the Elimination of All Forms of Discrimination against Women. In addition, reviewing the internal Staff Rules from a gender perspective, in order to eliminate those provisions likely to discourage female candidates, is also recommended.

Finally, with respect to the OSCE Parliamentary Assembly, statistics reveal a stable but significantly low female representation within the OSCE PA Delegations and activities. The Parliamentary Assembly should amend its rules of procedure to establish a minimum quota of 30% female representatives in the respective delegations, and among the officers of the Assembly. If the establishment of a quota is not decided, the Parliamentary Assembly must promptly proceed to, as a minimum, establish that delegations shall not be single-gendered, following the example set by the PA of the CoE and the IPU.