

The SGP Case: Did it Really (Re)Launch the Debate on Party Regulation in the Netherlands?

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Introduction

The Staatkundig Gereformeerde Partij (Political Reformed Party, hereafter, SGP), which was founded in 1918, is the oldest political party still functioning in the Netherlands. Since 1922 it has been represented continuously in the Lower House (Tweede Kamer) of the Dutch Parliament, with first one, then two or three seats (out of a total of 100 and, since 1956, 150 seats). It can be characterized as an Orthodox Protestant party, based on the Bible and the doctrinal so-called Three Forms of Unity.

According to Articles 7 and 10 of the SGP's Statement of Principles '[t]he Word of God holds that, on the basis of the order of creation, man and woman have each been given their own and distinct mission and place.... Every effort at emancipation that negates the God-given mission and place of men and women is considered revolutionary and has to be combated forcefully.' More specifically, Article 10 of the same Statement makes it clear that '[t]he notion of [the existence of] a right to vote for women which results from a revolutionary striving for emancipation is incompatible with woman's calling'.¹

In 2005, legal proceedings were initiated against the SGP after the party had evoked anger from some feminist and other organizations because it did not nominate women on its election lists. The Council of State, the highest administrative court in the Netherlands, ruled in 2007 that the state could not exclude the party from receiving the regular political party subsidy. Three years later, however, the highest civil court in the Netherlands, the Supreme Court, ruled that the state was obliged to take (other) measures that would force the party to end the exclusion of women from its election lists.² In 2010, the party submitted an application

to the European Court of Human Rights (ECtHR). In its decision on 10 July 2012, the Court declared the application to be manifestly ill-founded, and therefore inadmissible.³

This chapter will deal with the various legal proceedings in which the SGP has been involved both within the Netherlands and before the ECtHR. What considerations led to such different outcomes? And what have the implications been for party regulation? The internationally vibrant topic of party regulation has until recently been something of a taboo in the Netherlands. Traditionally, the idea was that political parties were essentially private associations in whose internal affairs the state ought not to interfere. However, the case of the SGP has led to a political and public debate on whether this view can be maintained. Section two will look at the national legal proceedings, section three at the European level. Section four will argue that the implications for the debate on party regulation have not been as significant as anticipated, and that the different considerations in the SGP case can be better understood against the backdrop of the so-called new institutionalism, whereby not just the historical and social sciences are characterized, but increasingly also the legal discipline.

National legal proceedings

Commencement

As was set out above, the legal proceedings against the SGP began in 2005 when both the SGP and the Dutch state were summoned before the civil sector of the District Court by the feminist Test Case Foundation Clara Wichmann and a number of other non-governmental organizations (Davies 2006).⁴ According to these organizations, the differential treatment of men and women with respect to passive suffrage by the SGP violated not just their own goals as listed in their articles of association, but also the general interest of society in the elimination of discrimination as demanded by both the Dutch Constitution and a range of treaty obligations.

On 7 September 2005 the District Court declared the case against the SGP itself inadmissible. In their claim against the state, however, the claimant organizations were more successful: the Court ruled that by subsidizing the party pursuant to the Political Parties Subsidies Act, the Dutch state had violated Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted in

1979 by the United Nations General Assembly. The Court therefore forbade the state to grant any further subsidies to the SGP (Davies 2006).

Administrative proceedings

The state discontinued the provision of subsidies to the SGP on 20 December 2005. The SGP challenged this decision by the Dutch Minister of the Interior and Kingdom Relations in new proceedings in the administrative law sector of the District Court, but on 30 November 2006 the court rejected the SGP's appeal. On 22 December 2006 the party then lodged a further appeal with the Administrative Jurisdiction Division of the Council of State, the highest administrative court in the Netherlands.

Almost a year later, on 5 December 2007, the Council of State quashed the lower court's ruling that the subsidies to the SGP had to be stopped.⁵ Although according to Article 7 (c) of CEDAW the right of women to participate on an equal footing with men in non-governmental organizations and associations concerned with the public and political life of the country had to be ensured, this did not imply the right of women to participate in each and every such organization and association. Moreover, women who sympathized with the ideas of the SGP but nevertheless wanted to be candidates could relatively easily start a party of their own.

The SGP's rights to freedom of religion and conscience, freedom of assembly and association and freedom of expression, and hence central tenets of the Dutch democracy, were at stake because the measure against the SGP put the party at a disadvantage compared to other political parties. In its reasoning on whether the principle of gender equality, as enshrined in Article 7 of CEDAW, necessitated the state to end subsidies to the SGP, the Council of State noted that a democracy such as the Netherlands also needs a broad representation of all philosophical and religious streams of thought within society. Therefore, groups with views on the biblical vocations of men and women in public life that are rejected by the great majority of the population, including most fellow Christians, still ought to be given the opportunity to bring their ideas to the fore. It would undermine the basic principles of a democracy if the state disadvantaged certain groups because of their convictions; this would hamper the legitimacy of the outcome of the debate. As long as a party abides by criminal law, according to the Political Parties Subsidies Act the state should also remain impartial and relate in an even-handed manner towards all divergent political ideas. Therefore, according to the Council, the government ought not to interfere with the SGP's ideas and

practices, and not disadvantage the party by withholding subsidies. This was also demanded by the case law of the ECtHR, which emphasized that a state should show restraint in interfering in the various freedoms of political parties because of their crucial role in achieving a pluralistic and democratic society, unless they constituted a danger to the democratic constitutional order (see Ten Napel 2009). According to the Council of State, this was not the case with the SGP.

Further civil proceedings

Meanwhile, the civil proceedings continued; the state and the SGP both lodged appeals against the District Court's ruling. In 2008, the Court of Appeal ruled, after balancing the principle of non-discrimination against the freedoms of the party, that the non-discrimination principle had to prevail in this case and that the state was under an obligation to take measures against the SGP.⁶ The Court left the nature of these measures open, but as a result of the Council of State's ruling it was clear that these could not involve withholding subsidies from the party.

More specifically, the Court of Appeal stressed that the freedom of religion as protected by Article 9 of the European Convention on Human Rights (ECHR) was not an absolute right. In the case of the SGP, moreover, not even the core of this right would be touched upon if passive female suffrage were made compulsory. Neither would Article 11 on the freedom of association be infringed, as the party could organize itself in all other respects in accordance with its statutes. Finally, with respect to Article 10, the Court of Appeal once again failed to see how the party's freedom of expression would be restricted because of such a measure. The Convention, on the contrary, did not allow any exceptions with respect to the principle of non-discrimination on the basis of gender.

Like the Council of State, the Court of Appeal found it relevant that the case arose with respect to a political party. It interpreted this differently, however. The fact that political parties fulfil a crucial role in constitutional democracies did not keep the Court of Appeal from interfering in the internal affairs of the SGP, but made the violation of the non-discrimination principle even worse than it would have been in the case of a fully private association.

The state and the SGP appealed again to the Supreme Court, the highest judicial institution for civil cases in the Netherlands. On 9 April 2010 the Supreme Court upheld the Court of Appeal's conclusion.⁷ The Court declared the voting rights of citizens to be the essential core of democracy. Therefore, it was not acceptable for a political party to act

contrary to a clause that grants all citizens equal active and passive voting rights, even when this practice is rooted in a party's religious principles. This led the Supreme Court to the conclusion that the government needed to take effective measures against the SGP's disputed practice. Or, in the words of the Supreme Court itself:

‘4.5.3. The basic rights of freedom of religion and freedom of association – and of course also freedom of expression, which, for the matter now in issue, has little if any independent significance next to the basic rights just mentioned – guarantee that citizens may unite in a political party on the basis of a religious or philosophical conviction and may express their conviction and the political principles and programmes based thereon within the framework of that party.

In a democratic state governed by the rule of law, however, those principles and programmes may only be given practical effect within the limits posed by laws and treaties.

4.5.4. The general representative bodies represent the entire population without making distinctions among the citizens of whom it is made up. They form the heart of the democracy and a guarantee for the democratic content of the State. The rights to vote and to stand for election are essential to guarantee the democratic content of these bodies. Both Article 4 of the Constitution and Article 25 of the International Covenant on Civil and Political Rights taken together with its Article 2 and, as far as women are concerned, Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women guarantee to everyone, without any distinction based on gender, the right to elect members of these bodies as well as to be elected to them. The said provisions mention the right to vote and the right to stand for election in the same breath, thus expressing that in a democracy they are each other's necessary pendant, since the voters must be able to determine for themselves who among them should be eligible.

4.5.5. Seen thus, since the possibility to exercise the right to stand for election goes to the core of the State's democratic functioning, it is unacceptable that a political formation in composing its lists of candidates violates a basic right that guarantees the elective rights of all citizens, regardless of whether such action reposes on a principle rooted for that formation in its religious or philosophical convictions. To that extent, the prohibition of discrimination set forth in Article 4 of the Constitution, Article 25 taken together with Article 2 of

the International Covenant on Civil and Political Rights and, in the particular context of the present case, Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women outweighs the other basic rights in issue.

It follows from the above that the SGP's violation of the basic right, guaranteed by the Constitution and the said treaties, to be allowed to stand for election on an equal footing with men is not justified by the fact that its view of woman's calling and place in society is directly rooted in its religious conviction. Admittedly the SGP cannot be denied its conviction and the civil courts are not even competent to express an opinion on the question whether that conviction is of greater or lesser importance in the faith of the members of the party, and admittedly a democratic legal order requires tolerance in relation to opinion rooted in religious or philosophical convictions. All that, however, does not prevent the courts from finding the way in which the SGP puts its convictions into practice in nominating candidates for general representative bodies unacceptable.⁸

As a result, the Supreme Court upheld the judgment of the Court of Appeal in so far as it concluded that the Dutch state was under an obligation to adopt an effective measure to ensure that the SGP introduced passive female suffrage. At the same time, this measure should not infringe the party's rights any more than strictly necessary. Moreover, the Supreme Court did not want to decide for the state which particular measure would be best suited to achieve this double result.

The proceedings before the ECtHR

The SGP subsequently launched an application to the ECtHR under Articles 9, 10 and 11 of the European Convention. However, the ECtHR unanimously adjudged the complaint to be inadmissible as manifestly ill-founded.⁹ The Court briefly expressed its doubts concerning the SGP being a victim, as the Dutch government had deliberately not yet taken any concrete measures against the party, but did not elaborate on this.¹⁰ The reason was that, according to the ECtHR, the application was inadmissible for another reason.

The Court simply assumed that there had been an 'interference' with the party's rights, and that this interference had been 'prescribed by law' and pursued the 'legitimate aim' of protecting 'the rights of others'.¹¹

Next, the Court referred to the Preamble to the Convention, in which the importance of democracy was clearly emphasized. It then went on as follows:

'70. As the Court has stated many times in its case-law, not only is democracy a fundamental feature of the European public order but the Convention was designed to promote and maintain the ideals and values of a democratic society. Democracy, the Court has stressed, is the only political model contemplated in the Convention and the only one compatible with it. By virtue of the wording of the second paragraph of Article 11, and likewise of Articles 8, 9 and 10 of the Convention, the only necessity capable of justifying an interference with any of the rights enshrined in those Articles is one that may claim to spring from a "democratic society"

71. The Court has also held that a political party may, under the Convention, pursue its political aims on two conditions: firstly, the means used to those ends must be legal and democratic; secondly, the changes proposed must themselves be compatible with fundamental democratic principles.... Provided that it satisfies these conditions, a political party animated by the moral values imposed by a religion cannot be regarded as intrinsically inimical to the fundamental principles of democracy, as set forth in the Convention....

72. Turning to the present matter, the Court reiterates that the advancement of the equality of the sexes is today a major goal in the member States of the Council of Europe. This means that very weighty reasons would have to be advanced before a difference of treatment on the ground of sex could be regarded as compatible with the Convention....

73. Moreover, the Court has held that nowadays the advancement of the equality of the sexes in the member States of the Council of Europe prevents the State from lending its support to views of the man's role as primordial and the woman's as secondary....

75. No woman has expressed the wish to stand for election as a candidate for the applicant party. However, the Court does not consider that decisive....

77. The Supreme Court, in paragraphs 4.5.1 to 4.5.5 of its judgment, concluded from Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women and from Articles 2 and 25 of the International Covenant on Civil and Political Rights taken together that the SGP's position is unacceptable regardless of

the deeply-held religious conviction on which it is based.... For its part, and having regard to the Preamble to the Convention and the case-law ..., the Court takes the view that in terms of the Convention the same conclusion flows naturally from Article 3 of Protocol No. 1 taken together with Article 14.

78. That said, the Court must refrain from stating any view as to what, if anything, the respondent Government should do to put a stop to the present situation.¹²

In an earlier, classic judgment, the Court had already stated that without 'pluralism, tolerance and broadmindedness ... there can be no democratic society'.¹³ Furthermore, the Court attaches much weight to political parties' freedom of association, also because of the 'essential' or 'primordial' role of political parties within a democracy.¹⁴ Nevertheless, this does not mean that diversity is completely unlimited: a democracy does not have to allow parties that threaten the plural democracy itself and want to replace it. In those cases, it can even be necessary, according to the ECtHR, to dissolve a party.¹⁵ In the SGP's case, however, only one element of the party's ideology was at stake, raising the question whether or not this was compatible with fundamental democratic principles, notably gender equality *in politicis*. Furthermore, in the SGP case the equality principle collides with other fundamental rights such as the party's freedom of association and freedom of religion. Although it can therefore hardly come as a surprise that the ECtHR in the SGP decision attached so much weight to gender equality, it is less than obvious that state measures against the SGP had also to be regarded as justified.

Implications for party regulation?

After the rulings of the District Court in the civil proceedings, on 24 June 2006 the SGP amended its Principles to the extent that it would henceforth be possible for women to become members of the party. As the ECtHR had already noted, the Dutch Government had deliberately waited before taking any concrete measures against the party until after the judgment of the ECtHR, a decision that was backed by parliament.¹⁶ It is an interesting question whether this was the right thing to do, given the subsidiarity principle that applies in the relationship between the ECtHR and national authorities. One explanation for this, however, is that the then Rutte I cabinet was a minority cabinet that needed the support of the

SGP to get legislation through the Senate. Meanwhile, in the summer of 2013 the party was changed from within, because a female member was nominated as a candidate for a municipal council.¹⁷ In a sense this ended the Dutch debate on party regulation before it had actually truly begun.

According to legal scholars Schutgens and Sillen (2010), for example, what would perhaps have been most suitable was the addition of a provision to the Elections Act that prevents political parties' statutes from being discriminatory (see, however, B.P. Vermeulen and A.J. Overbeeke 2011: 147ff).¹⁸ *De jure* exclusion of women by parties such as the SGP would then be ruled out, assuming that the parties wished to continue to participate in elections, even though it would remain possible in practice not to nominate women candidates. However at present not even this measure is being debated, let alone the possibly more effective measure of a legal obligation to nominate women candidates to election lists, a kind of quota requirement inspired by the Belgian example (Rodríguez Ruiz and Rubio-Marin 2008). In fact, even if made compulsory, the introduction of gender quotas in the Netherlands would not guarantee success, as it would be possible, for example, for the SGP formally to nominate women who would then give up their seats after being elected (Schutgens and Sillen 2010). It should be noted, however, that the measure suggested by Schutgens and Sillen – the introduction of a provision that obliges parties to admit both male and female candidates for elections – could also eventually result in the disqualification of a list submitted for elections and should therefore be considered a severe measure as well. Indeed, as Eva Brems has stated, 'it is a very serious measure, since it is the main purpose of a political party to compete in elections' (Brems 2006: 144). The seriousness of the measure is increased by the fact that, in this case, the disqualification of a list submitted for elections would take place largely because of the lack of internal party democracy. As Richard S. Katz has argued, ensuring appropriate forms of internal party organization and political behaviour is probably the most controversial purpose of state law concerning political parties (as cited in: Janda 2005: 3).

The main aim of this chapter has been to explain the SGP case, and indeed its potential significance to party regulation, to an (international) audience of non-lawyers. The central purpose has not been to present our own views on the attempts to balance fundamental rights that were undertaken by the various courts in the SGP case, as we have done both on an individual basis and together on other occasions. The first article asked how it was possible that two national high courts could, within a reasonably brief period, reach partly opposing conclusions,

and what explained the then recent ruling by the Dutch Supreme Court. It sought to answer these questions with the help of a normative framework for balancing conflicting human rights, and problematized the legal-political choice in favor of the concept of positive liberty that the Supreme Court appeared to have made. In the article's conclusion, a form of constitutionalism for divided societies was suggested as a possible middle ground between positive and negative freedom, procedural and substantive democracy, and formal and substantive equality (Ten Napel 2011). A second article examined the case of the SGP particularly from the viewpoint of democratic theory. It concluded that, generally speaking, a light version of the substantial democracy conception, of which the Council of State's ruling is representative, is to be preferred over a proceduralist conception, by which both the Supreme Court's ruling and the ECtHR's admissibility decision in the SGP case are characterized. The difference is not so much that one conception of democracy or the other makes more moral choices. Rather, as can be learned from the SGP case, in a light version of the substantial democracy conception, a broader range of constitutional values is taken into account, whereas in a proceduralist conception, often one or two specific principles are singled out. From that perspective, a light version of the substantial democracy conception better guarantees the freedom and paradoxically the autonomy of both citizens and their associations. Therefore, it seems more suitable for a proper constitutional democracy (Van den Brink and Ten Napel (2013a).

It is worthwhile here, however, to point to the fact that, just as in the field of political science, among civil and constitutional lawyers different theoretical approaches can be discerned. These different approaches can lead to differences in outcome of the case law, over time or space. Thus, existing normative frameworks for balancing fundamental rights do not lead to an unequivocal result in the SGP case. The application of purely legal criteria is simply not sufficient to tip the scales to one side or the other. Consequently, the choice between conflicting fundamental rights in a case such as this becomes 'political'. It would be too simple to accuse the various courts of taking a party-political side. Nevertheless, court rulings can have important legal-political implications.

In the case of the SGP, what appears to be particularly relevant is the importance attached to the role of institutions. The so-called neo-institutionalism is gaining ground within the legal discipline as well. According to the underlying social pluralism theory we must recognize the variety of institutions that fulfill all kinds of roles in society and human life, including families, schools, organizations for charity or

for the dissemination of (political) ideas, churches and other religious institutions, and of course the state. These institutions provide all kinds of goods that we need as human beings: food and shelter, love and company, mutual help and care, safety and security, livelihood, education, religious practice. Furthermore, each institution seems to be equipped with a particular authority structure, which suggests that we must prevent them from interfering in one another's internal business. This means that the state, or the political sphere, is not the sovereign and all-encompassing Leviathan, but only one sphere among others, albeit the only one with a monopoly on violence. The state is not plenipotentiary, and must be restricted to a limited area of legitimate interference (the public sphere). The other aspects of society must be left to the institutions, which are supposed to execute their proper authority and deliver their goods (Van den Brink and Ten Napel 2013b: 363-364).

The more 'the institutional turn' is taken, the more there will be a tendency, as one author recently put it, to 'treat ... religious entities as largely sovereign institutions, immunizing them from the application of civil rights laws and other statutes' (Horwitz 2013: 10). It is not too far-fetched to conclude that the Council of State is more representative of this approach than the Supreme Court or, for that matter, the ECtHR. Both latter courts emphasize rather the principles of individual autonomy and self-determination.

It is also possible to look at the debate on party regulation from this angle, and then conclude that the fact that the SGP case has thus far not led to a (re)launch of the debate on party regulation can at least in part be explained by this neo-institutionalism. Paradoxically, this neo-institutionalism is very much in line with Dutch traditions of tolerance and openness, according to which it is appropriate to regard the freedoms of conscience and religion, assembly and association, and expression as essential to democracy. In particular, the approach of the Council of State gives members of a religious community a maximum amount of freedom within the boundaries of the law to organize themselves, to define and practise their own preferences, according to their own principles.

As a result, the question is whether the Netherlands, in a comparative perspective, is indeed gradually moving away from the British approach of defining political parties as free associations of individuals, with a minimum of state regulation and oversight, towards the German model of political parties as specific associations with rather well-defined legal responsibilities, duties and prerogatives. This was suggested in the *Report on the participation of political parties in elections* by the Venice Commission

(2006, para. 6; cf. Ten Napel 2011: 69). Although tendencies in this direction can be seen in, for example, the ruling of the Supreme Court, it is too early to tell whether this development will continue or not, certainly as far as the legislature is concerned. From a constitutional law point of view this is not necessarily to be regretted, as '[i]t is vital for the nation that there be checks on the government, because government is not always right – and may be seriously wrong. The needed creative alternatives exist in a thriving civil society, a culture with institutions that can dissent from the society's – and governments' – popular views. A thriving civil society is one with strong and independent organizations that can protect and promote views that are unpopular, but may turn out to be right. To keep a necessary check on government, society needs alternative moral voices and those voices will only exist if their institutional framework is protected' (Carlson-Thies 2010: 18).

Notes

- 1 Translation taken from: ECtHR 10 July 2012, Case No. 58369/10 (admissibility decision), *Staatkundig Gereformeerde Partij v. the Netherlands*, para. 9.
- 2 The rulings of the Council of State and the Supreme Court are available (in Dutch) at www.rechtspraak.nl, under LJ-numbers BB9493, and BK4549 and BK4547, respectively.
- 3 Supra note 1.
- 4 In a sense, however, the history of the legal battle against the SGP actually dates back to the first half of the 1990s. See Ten Napel (2002).
- 5 Supra note 2.
- 6 The Court of Appeal judgment is available at www.rechtspraak.nl, under LJ-number BC0619.
- 7 Supra note 2.
- 8 Translation taken from: ECtHR 10 July 2012, Case No. 58369/10 (admissibility decision), supra note 1, para. 49.
- 9 Supra note 1.
- 10 Ibid., para. 67.
- 11 Ibid., para. 68.
- 12 Ibid., paras. 70–78.
- 13 *Handyside v the United Kingdom* Case no 5493/72 (ECtHR 7 December 1976), para 49.

- 14 Case nos 41340/98, 41342/98, 41343/98 and 41344/98 (Grand Chamber) (ECtHR 13 February 2003) *Refah Partisi (The Welfare Party)*, para 87; *United Communist Party of Turkey ao v Turkey* Case no 133/1996/752/951 (Grand Chamber) (ECtHR 30 January 1998), para 25.
- 15 *Refah Partisi (The Welfare Party)* (supra note 14), para 99.
- 16 Supra note 1, paras. 56-58.
- 17 'History was made as a woman could lead the orthodox Christian local party, www.dutchnews.nl, 21 August 2013; 'The brethren in black suits get their first female local leader', *ibid.*, 27 August 2013.
- 18 Vermeulen and Overbeeke argue that the Constitution would need to be changed first before such a revision of the Elections Act could take effect.

References

- Brems, Eva (2006) "Freedom of political association and the question of party closures", in: Wojciech Sadurski (ed.), *Political Rights under Stress in 21st Century Europe*, Oxford: Oxford University Press, pp. 120-195.
- Brink, Jaco van den and Hans-Martien ten Napel (2013a), "The Dutch Political Reformed Party (SGP) and Passive Female Suffrage: A Comparison of Three High Court Judgments From the Viewpoint of Democratic Theory", in: *Merkourios. Utrecht Journal of International and European Law*, 29, no. 77, pp. 29-41.
- Brink, Jaco van den and Hans-Martien ten Napel (2013b), "The State, Civil Society and Religious Freedom", *Oxford Journal of Law and Religion*, vol. 2, no. 2, pp. 354-370.
- Carlson-Thies, Stanley (2010) 'Liberty or Liability: The Future of Institutional Religious Freedom', 3 *Cardus* 14-30.
- Davies, Gareth (2006) "Thou Shalt Not Discriminate Against Women: Public Subsidies to Religious Parties Condemned in Clara Wichmann Foundation v. The Dutch State. Court of First Instance, The Hague. Judgment of 7 September 2005", *European Constitutional Law Review*, 2, pp. 152-166.
- Horwitz, Paul (2013) *First Amendment Institutions* (Cambridge, MA: Harvard University Press).
- Janda, Kenneth (2005) *Political Parties and Democracy in Theoretical and Practical Perspectives. Adopting Party Law*, Washington, D.C.: National Democratic Institute for International Affairs.
- Napel, Hans-Martien ten (2002) "Een Nederlandse Taliban?", in: N.F. van Manen (ed.), *De multiculturele samenleving en het recht*, Nijmegen: Paul Scholten Instituut/Ars Aequi Libri, pp. 151-157.

- Napel, Hans-Martien ten (2009) "The European Court of Human Rights and political rights: The need for more guidance", *European Constitutional Law Review*, vol. 5, no. 3, pp. 464–480.
- Napel, Hans-Martien ten (2011) "Finishing the Work Begun by the French Revolution: A Critical Analysis of the Dutch Supreme Court Judgment on the Political Reformed Party and Passive Female Suffrage", *European Public Law*, vol. 17, no. 1, pp. 61-70.
- Rodriguez Ruiz, Blanca and Ruth Rubio-Marin (2008), "The Gender of Representation. On Democracy, Equality and Parity", *International Journal of Constitutional Law*, vol. 6, pp. 287-316.
- Schutgens, R.J.B. and J.J.J. Sillen (2010), 'De SGP, het rechterlijk bevel en het kiesrecht', *Nederlands Juristenblad*, vol. 85, pp. 1114-1117.
- Vermeulen, B.P. and A.J. Overbeeke (2011), "Godsdienst, levensovertuiging en politieke gezindheid", in: C.J. Forder (ed.), *Gelijke behandeling: oordelen en commentaar 2010*, Nijmegen: Wolf Legal Publishers, pp. 139-161.