



50/50 POLICY BRIEF ZIMBABWE

MARCH 2018



Women in Local Government Forum.

Photo: Tapiwa Zvaraya



The Policy Brief concerns women's participation and representation in key decision-making structures at local and national levels in Zimbabwe and makes the case for urgent action to achieve gender parity at all levels of political decision-making. As the country gears up for the 2018 elections, due in the second half of the year, pressure is mounting for 50/50 reforms at legislative, political party and implementation levels.

In particular, there is a glaring disparity between women's representation at the national level (36%) and the local level (16%). Parliament has a mixed electoral system comprising a First Past the Post (FPTP) system for 70% of the seats with the balance for women only on a Proportional Representation (PR) system. In contrast, local elections are held solely on the FPTP electoral system with no quotas. The difference in outcomes is a stark reminder of the key role played by electoral systems and quotas in determining women's political representation.

One of the key targets in the SADC Protocol on Gender and Development is 50% women's representation in all areas of decision-making by 2030.

This policy brief highlights gains and losses in Zimbabwe over the last decade within the SADC context. A key point made is that if some countries can achieve or come close to achieving this target then all countries in the region can do so.

QUICK FACTS

- Next elections on July 31 2018.
- 36% women in Parliament (the Assembly and Senate).
- 17% women in Cabinet.
- 16% women in Local Government.
- Mixed electoral system at the national level: First Past the Post (FPTP) with 60 seats for women only distributed among parties on a Proportional Representation (PR) basis. This provision will expire in 2023.
- Quota for women in parliament does not extend to the local level where elections are held solely on a FPTP basis despite Article 17 of the Constitution providing for gender parity in all areas.
- The Zimbabwe Commission on Gender Equality has called for various reforms to the Electoral Amendment Bill, including local government.
- Women comprised 14% sources in the political topic category in Zimbabwe the 2015 Gender and Media Progress Study (GMPS).

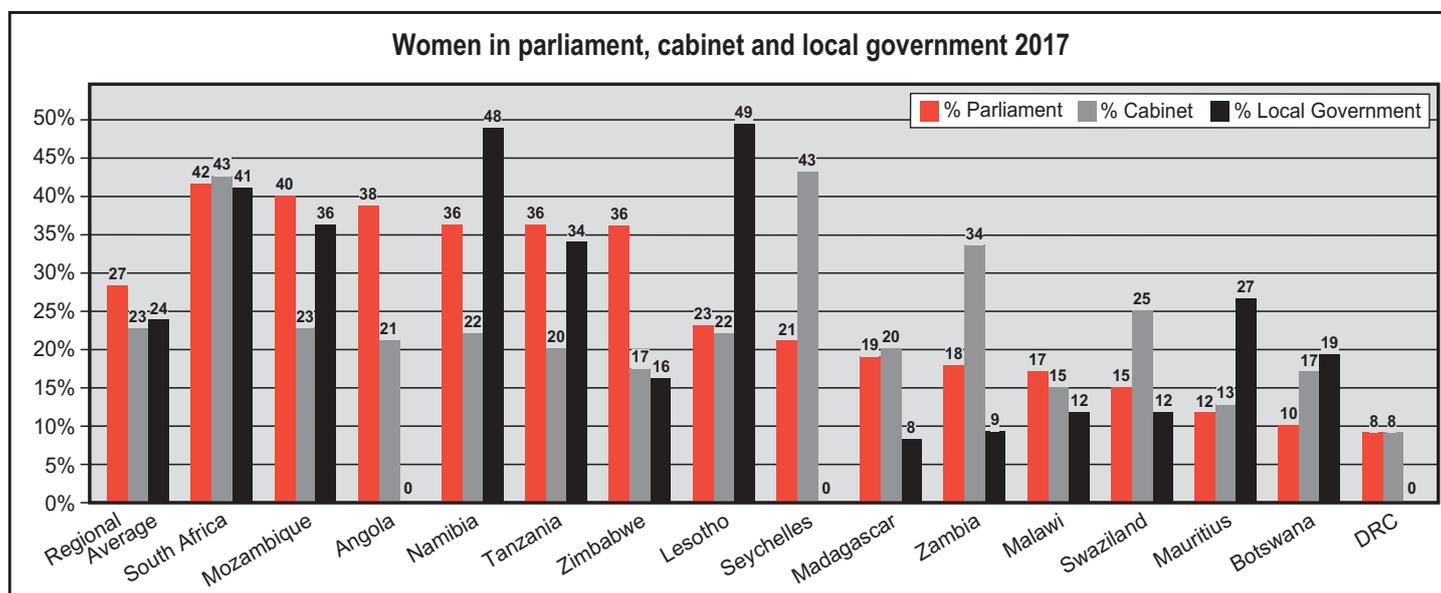
Constitutional provisions

Key provisions on gender and elections in the 2013 Constitution include:

- The State must promote full gender balance in Zimbabwean society particularly with regard to promoting the full participation of women in all spheres of Zimbabwean society on the basis of equality with men and to take legislative and other measures to ensure that both women and men are equally represented in all institutions and agencies of government at every level; and that women should constitute at least half of members of all Commissions and other elected and appointed governmental bodies and that the State must take positive measures to rectify gender discrimination and imbalances resulting from past practices and policies. (Section 17)
- For the next two lives of the National Assembly (commencing in 2013), an additional sixty women shall be elected under a party-list system of proportional representation based on votes cast for political party candidates. (Section 124)
- The State must ensure that all international conventions, treaties and agreements to which Zimbabwe is a party are incorporated into domestic law. (Section 34)

Regional context

The updated 2030 SADC Protocol on Gender and Development, Article 12. 1, states that: “State parties shall ensure equal and effective representation by women in decision-making in the political, public and private sectors, including the use of special measures.”



Source: www.ipu.org, Gender Links, 12 July 2017.

Figure 1 shows that:

- Zimbabwe has 86 women out of a total of 264 seats 32.6% in the lower house, and 38 out of 79 women (48.1%) in the upper house. This gives a total of 124 out of 343 or 36% women in parliament, ranking Zimbabwe 34 out of the 189 nations around the world monitored by the Inter Parliamentary Union¹.
- At 36% Zimbabwe exceeds the regional average of 27% women in parliament, while local government at 16% is below the regional average of 23% and cabinet at 17% is below the regional average of 24%.
- All countries perform better on women in parliament than cabinet and local government except for South Africa where women comprise 43% of cabinet compared to parliament (42%) and local government (41%).

¹ <http://archive.ipu.org/wmn-e/classif.htm> accessed on 3 March 2018.

- Only five countries have achieved over 30% women in local government. Lesotho (49%), Namibia (48%) and South Africa (41%) are the only three countries with over 40% women in local government.
- Only South Africa achieved over 40% in parliament, cabinet and local government.
- Only eight countries have exceeded the 30% mark in one or more areas including Zimbabwe (parliament); South Africa (parliament, cabinet, and local government); Mozambique (parliament, cabinet and local government); Tanzania (parliament, cabinet and local government); Angola (parliament); Namibia (parliament, local government); Lesotho (local government) and Seychelles (cabinet).

Cabinet

Cabinet is one area in which leaders should make rapid progress as members are appointed rather than elected. The regional average of only 23% women in cabinet positions raises serious concerns regarding the political will of SADC heads of state to increase women's representation in decision-making. Following his swearing in, President Emmerson Mnangagwa failed to honour Article 17 of the Constitution with his December 2017 cabinet announcements. Women

constitute 5 out of 30 (17%) of cabinet ministers, and none of the deputy ministers.

Electoral systems and quotas

Despite the provisions in the Agenda 2030 SADC Gender Protocol for “special measures” the uptake is patchy across the region and in Zimbabwe.

- By way of background there are two main types of electoral systems: In the **Proportional Representation (PR)**, or “list system,” citizens vote for parties that are allocated seats in parliament according to the percentage of vote they receive. Individual candidates get in according to where they sit on the list. In an open list system, voters determine where candidates sit on the list. In a closed list system, the party determines where candidates sit on the list. In the constituency, or “**First Past the Post**” (FPTP) system, citizens vote not just for the party, but also for the candidate who represents the party in a geographically defined constituency. Thus, a party can garner a significant percentage of the votes, but still have no representative in parliament, because in this system “*the winner takes all.*”



50/50 Campaign in Ruwa, Zimbabwe.

Photo: Oscar Tsvuura

Table Two: Pros and cons of electoral systems and quotas in the SADC region

| | FPTP | PR | Mixed |
|--|--|---|---|
| Arguments for the electoral system. | Good for accountability especially at local level; voters have an MP or councillor who has been elected. | Good for inclusion as all parties get seats relative to their performance in the elections. | Draws on “the best of both worlds.” |
| Arguments against the electoral system. | Winner takes all means that a party can do well in the popular vote but still get no seats. | Party cadres are deployed to constituencies where they may have no base or roots. | Those deployed on a PR basis are seen as “token” compared to those who contested for elections. |
| Examples of Constitutional or legislated quotas in the SADC region. | All parties in Mauritius are required by law to field at least 30% candidates of the opposite sex. | The Namibia local government electoral law requires political parties to field at least 30% women candidates in their party lists. | Zimbabwe (national); Tanzania (national and local); Lesotho (local) have 30% seats reserved for women on a PR basis in addition to those that won through the FPTP. |
| <i>Advantages</i> | Parties are obliged to field women candidates. | The combination of a PR system and legislated quotas is the most fool proof as long as women are distributed evenly in the list. | This compromise has helped countries with a FPTP system to get around the challenge under “disadvantages FPTP”. |
| <i>Disadvantages</i> | There are no guarantees that women will be fielded in constituencies where they will win. Mauritius overcame this through training women candidates, public education and awareness. | Men in the party may complain that they have been overlooked. The party and the Electoral Commission have to ensure that women and men are alternated in the list. | Women who come in through the “reserved” PR seats are often regarded as more “token” to the few women and all the men who come in through this avenue. |
| Examples of voluntary party quotas in the SADC region. | Various political parties in Zimbabwe, Zambia, and Botswana have professed 30% quotas. | Ruling parties in South Africa, Namibia, Angola and Mozambique have voluntary quotas ranging from 30% to 50%. | The ruling party in South Africa has a 50% quota for women that has been applied at the local level where elections are run on a mixed system. |
| <i>Advantages</i> | Quotas are owned and driven by the parties. | Voluntary party quotas are easier to implement in the PR system where voting is for the party not individual candidates. They have the added advantage of party ownership. | Quotas are owned and driven by the parties. |
| <i>Disadvantages</i> | They are seldom if ever implemented in the highly competitive “winner takes all” system. | Women’s representation is left at the whim of a few willing parties whose strength may wane. There is no obligation on all parties to uphold Constitutional provisions for gender equality. | |

Table two summarises the pros and cons of the different electoral systems, and the use of legislated and or voluntary quotas in conjunction with these systems. There is overwhelming evidence internationally and in the region to suggest that women

stand a better chance of being elected under the PR (and especially the closed list PR system) as opposed to the constituency electoral system.² The chance of women being elected is even higher when the PR system works in concert with a quota.

Table three: Electoral systems and quotas in Zimbabwe

| Level | Electoral system | Constitutional quota | Voluntary party quota |
|----------|------------------|--|--|
| National | Mixed | 60 reserved seats for women in addition to the 270 seats in parliament for both women and men. | 30% quota in the ruling Zimbabwe African National Union Patriotic Front (ZANU/PF) Party. |
| Local | FPTP | None. | |

² For more information on the comparative global data on quotas for women in politics see www.idea.int/quota.

Table three shows that, at the *national level*, Zimbabwe has a mixed electoral system with a FPTP electoral system and a Constitutional provision (Section 124) for an additional 30% of seats for women only (distributed on a PR basis, i.e. according to the percentage vote achieved by each party) that will expire in 2023. In answer to what will happen then, the Zimbabwe Electoral Commission (ZEC) has observed that:

The evidence on the ground is that conditions are not yet conducive for the equal participation of women in politics and decision making. On the one hand, section 17 of the Constitution contains important provisions for gender equality. It might not be easy however to have a constitutional amendment to extend section 124(b) should there still be need in 2023 and beyond. It is suggested that a special schedule be created to cover for the eventuality that the women's quota should still be necessary. It would be easier to have this in the Electoral Act. On the other hand, if 50% or more is achieved through the political parties' lists and eventually to the National Assembly, then there would be no need for the extension of the quota. (ZEC, November, 2017).

Currently, only the ruling Zimbabwe African National Union (ZANU/PF) party has a 30% quota for achieving gender equality. All other political parties have no special policy positions in their party manifestos and this poses a grave challenge for ensuring a 50% women's representation at all levels of political decision making. Gender activists are *therefore arguing that in the medium term Section 24 should be maintained, while working to ensure that political parties embed gender parity in their practise, and that in the longer term Zimbabwe should consider reviewing its electoral system altogether to a PR system that is more inclusive generally and far more conducive to women's political participation.*

At the *local level*, the tier of governance closest to the majority of women, elections are run solely on a FPTP system. Section 124 of the Constitution (creating a mixed system at the national level) does not apply at the local level. Gender activists argue that this is inconsistent with Article 17 of the Constitution, and Article 12.1 of the SADC Protocol on Gender and Development that provide for gender parity in all areas of decision-making. *There is need to urgently rectify this anomaly through extending the same provisions in Section 124 of the Constitution to local government.*

Election management

Election Management Bodies (EMBs) ensure that the environment in which elections take place is conducive to the conduct credible elections.³ EMBs are responsible for the management and conduct of elections and play a crucial role in ensuring that fair elections are held and in the end accepted.⁴ EMBs need to begin, “in their own institutions, by ensuring that women are given positions of responsibility and that the policies and practices of the institution work to improve the status of women in society. This might involve creating incentives for women to become election administrators; training all members of staff to be sensitive to gender issues; and collecting gender-disaggregated statistics in order to evaluate women's participation; and, identifying aspects of the democratic process that can be improved.”⁵

The Zimbabwe Electoral Commission oversees the conduct and governing of elections in the country. The ZEC comprises a Chairperson and eight other members. The Chair must be a judge or qualified to hold office as a judge and is appointed by the President after consultation with the Judicial Service Commission. The other members are appointed by the President from a list of not fewer than twelve nominees supplied by the Committee on Standing Rules and Orders as designated in the Zimbabwe constitution. ZEC comprises eight members; three (38%) of whom are female. The chair, High Court Judge Priscilla Chigumba, is a woman.



ZEC Biometric Voter Registration Centre.

Credit: www.o4z.org.zw

The role of the media

The 2015 Gender and Media Progress Study measured the proportion of women sources in the media overall, as well as in the political topic category. In Zimbabwe,

³ SADC Gender and Development Monitor 2016.

⁴ Commonwealth Secretariat (2016) Election Management: A Compendium, of Commonwealth Good Practice.

⁵ Commonwealth Compendium of Good Election Management Practice.

women comprised 24% of sources overall and 14% of women political sources. Thus, although women constitute over 50% of the population, they only comprise 14% of sources in the political topic category. The study finds that:

- The views of women candidates are often not profiled or trivialised.
- Male spokespersons of political parties dominate.
- The views of women voters are seldom canvassed.

Violence Against Women in Elections (VAWIE)

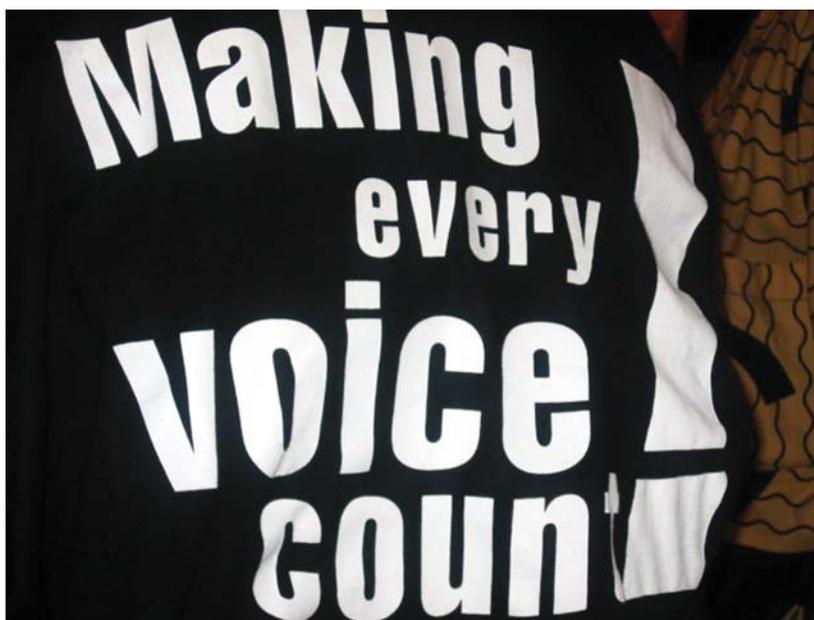
Violence against women in the context of “political conflict, repression and resistance in Zimbabwe is a feature that has been seen in every election since 2000, and it is a frequent experience for women whether they are politically active or not.⁶ The most common forms of violence are assault, threat and torture. It is imperative that the security of women during and after elections be ensured particularly when they report these issues. Mechanisms for reporting such cases should be put in place as most women shy away from reporting for fear of victimization pre, during and post elections, particularly at police posts.

Cases of political violence against women during elections have been submitted to the courts. There is still need for accurate statistics to be published so that the full extent of political violence is known and proper mechanisms and strategies built to curb these. The official statistics are not a true reflection of the incidence of political violence against women.

Key recommendations

1. Extend Section 124 of the Constitution to include local government, and maintain this “temporary special measure” for at least three more (not one more election) or until such time as there are reasonable prospects of gender parity being achieved through normal political party processes.

2. Lobby for permanent electoral reform to a PR system that is more inclusive generally and more conducive to women's participation, or at worst a mixed system, so as to get the “best of both worlds.” Lesotho (national) and South Africa (local) have mixed systems that have nothing to do with gender quotas, but where (in both instances) women's chances have been boosted through the PR window of these systems.
3. Work with political parties to embed gender parity in all their policies and practices. In the long term there is no short cut to gender equality being “normalised” in political parties. Mauritius (local) has shown that greater women's participation can be achieved even in the FPTP system without “reserving” seats for women provided there is requisite political will.
4. Remove the formal and informal barriers to women's political participation, especially the “fear factor” that characterised the 2013 elections.
5. Work with media houses to make sure that “every voice counts” in the coming elections.



⁶ IDASA (An African Democracy Institute), the International Center for Transitional Justice [ICTJ] and the Research and Advocacy Unit [RAU] (2010) *Preying on the “Weaker” Sex: Political Violence against Women in Zimbabwe*.

Nicoz Diamond Building, 30 Samora
Machel Avenue, 6th Floor, Harare,
Zimbabwe



Phone: +263 4798 600

Email: zimmanager@genderlinks.org.za

www.genderlinks.org.za