



50/50 POLICY BRIEF MADAGASCAR

March 2018



Figure 1: Member of parliament Malagasy

<https://genderlinks.sharepoint.com/Gender%20Links%20Photo%20Gallery1/Forms/Thumbnails.aspx?viewpath=%2FGender%20Links%20Photo%20Gallery1%2FForms%2FThumbnails%2Easpx&id=%2FGender%20Links%20Photo%20Gallery1%2FParliament%20Malagasy%5FRZ%2EJPG&parent=%2FGender%20Links%20Photo%20Gallery1>

The Policy Brief concerns women's participation and representation in key decision-making structures at local and national levels in Madagascar 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 end of the year, pressure is mounting for 50/50 reforms at legislative, political party and implementation levels.

QUICK FACTS

- Next presidential election should be in November 2018.
- 21% women in Senate.
- 18% women in Assembly.
- 22% women in Cabinet.
- 8% women in Local Government (mayor and councillors).
- For the Assembly the electoral system is First Past the Post (FPTP) and the local election is Proportional Representation (PR).
- No provision of quota in all electoral system in Madagascar.
- Women parliamentarian presented a bill for equal representation for all elected and nominated position during the transition in 2012 without success.
- civil society has taken the initiative to present a draft law for an equal representation for all elected and nominated position in partnership with the Ministry of Justice without success in 2014.
- Women comprised 21% sources in all topic in Madagascar according the barometer 2017.

Despite Madagascar's signature of international and regional human rights instruments and the ratification of most international instruments promoting gender equality, the representation of Malagasy women in decision-making posts decision remains very weak. More worryingly, this rate of representation decreases towards the base, 22 % women in the cabinet, 21% in Senate, 18% women in Assembly and 8% of women in local. It is at the local level, where the rulers are the most able to react to the specific development needs of the communities, that the Malagasy woman is the weakest represented.

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 Madagascar 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.

Constitutional provisions

Key provisions on gender and elections in the 2010 Constitution include in the article 6:

The law is the expression of the general will. She is the same for all that she protects, to force or punish.

All individuals are equal before the law and enjoy the same fundamental freedoms protected by law, without discrimination based on sex, educational level, wealth, origin, religious belief or opinion.

Law promotes equal access and participation of women and men in public employment and functions in the field of political, economic and social life.

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."

Figure 1: Women in parliament, cabinet and local government in SADC 2017

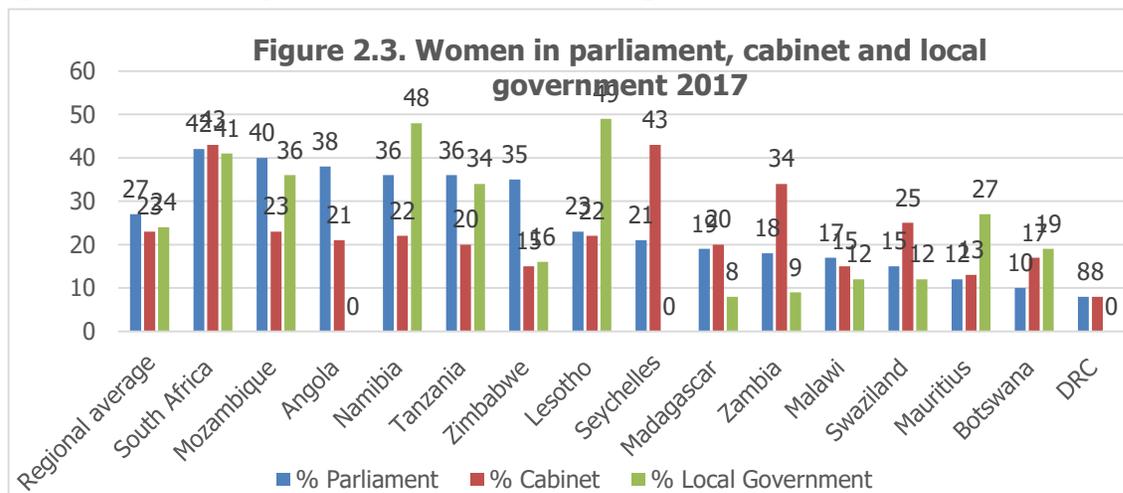


Figure 1 shows that:

- Madagascar has 27 women out of a total of 151 seats 18% in the lower house, and 13 women out of 63 seats (21%) in the upper house. This gives a total of 41 out of 214 or 19% women in parliament,
- At all level, Madagascar don't exceed the regional average of women's participation in the Region. For parliament, Madagascar has 19% women or in regional level the average is 27% women, while local government at 8% is below the regional average of 23% and cabinet at 22% (change after the last cabinet nomination later in 2017) is below the regional average of 24%.
- Most of the 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%).
- Only five countries have achieved over 30% women in local government. Lesotho (49%) and 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.

Electoral systems and quotas (1 page)

Despite the provisions in the Agenda 2030 SADC Gender Protocol for "special measures" the uptake is patchy across the region and in Madagascar.

The electoral system in force in Madagascar is based on the simple majority voting system, with some variations depending on the type of election.

For the election of the President of the Republic : if no candidate wins an absolute majority in the first round, then the two candidates with the best scores are in the second round of voting. Conversely, when the absolute majority is obtained



Figure 2: Alliance Meeting

<https://genderlinks.sharepoint.com/Gender%20Links%20Photo%20Gallery1/Forms/Thumbnails.aspx?useFiltersInViewXml=1&FilterField1=Country&FilterValue1=Madagascar&FilterType>

by a candidate in the first round, it is not essential to organize a second round.

For the legislative elections: the current system is based on a simple majority voting system, First Past the Post (FPTP). The candidate with the highest number of votes is elected to Parliament. Candidates for these different elections are subject to direct universal suffrage. Elected senators are subject to indirect universal suffrage, elected by electors including mayors, regional councillors and parliamentarians.

For the local election: In accordance with the provisions of the decree n ° 2015 - 617 of April 01, 2015 fixing the modalities of organization of the municipal elections, the Mayors and the members of the Communal and Municipal councils are elected by direct universal suffrage, by the Proportional Representation (PR). Proportional to one round, without a mix, preferential vote or incomplete list. The candidate at the top of the list with the highest number of votes cast is declared elected Mayor. The municipal councillors seats are allocated to the candidates according to the order of presentation in each list and according to the rule of the electoral quotient and that of the strongest remainder.

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."

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.¹ The chance of women being elected is even higher when the PR system works in concert with a quota.

Table 3: Electoral systems and quotas in Madagascar

Level	Electoral system	Constitutional quota	Voluntary party quota
National	FPTP	None	None
Local	PR	None	

The table 3 shows that the quota is not yet institutionalized in all spheres of governance. Most political parties also do not adopt the voluntary quota.

In 2012, the association "*Vehivavy Miaramiantana ao amin'ny Kongresy (VMMK)*" made up of women parliamentarians members of the Transition Congress and the personal women of the National Assembly submitted a proposal for a law on parity: Law No. 3 2012 / PL, ref: V / L No. 093 CT / P / SG of 26 October 2012. This bill has been validated by the Gender Committee of the National Assembly and was presented to the plenary on 22 May 2013. Despite the awareness among parliamentarians, the bill has not been validated. The following arguments have been put forward: (i) the use and custom of certain regions of Madagascar (large South, South-West and South-East), (ii) non-acceptance simply of quota system, (iii) gender n ' was not discussed in the political parties.

In 2014, the Ministry of Justice, with the support of the Electoral Cycle Support Project in Madagascar (PACEM), the Office of the High Commissioner for Human Rights (OHCHR) and the National Council of Women of Madagascar (CNFM), took the initiative to develop a draft law on the proportional representation of men and women in decision-making positions. This initiative was not followed despite the advocacy by the network of women's rights advocates.

Currently, a project to develop a Gender Equality Framework Law is being implemented in Madagascar, under the leadership of the Ministry of Population, Social Protection and Promotion of Women and the Ministry of Women. Justice, with technical support from Gender Links and financial support from the African Development Bank through the Indian Ocean Commission.

¹ For more information on the comparative global data on quotas for women in politics see www.idea.int/quota.

Election management

The “Commission Electorale Nationale Indépendante (CENI)” ensure that the environment in which elections take place is conducive to the conduct credible elections. CENI 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.

The deliberative structure of the CENI is composed by nine elected members. A chair, three vice-chair, two reporters and three advisors. Only one women is in the deliberative structure. She assume the role of advisor. The members are elected or nominated through some institutions such as: Presidency, Lawyer Association, Supreme Court, Order of Journalists, a Civil Society (02 representatives), High Constitutional Court, National Assembly and Senate. The current chair is from Lawyer Association.

They 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.”

The role of the media

The Barometer 2017 demonstrates key indicators of the status of women in Southern African countries (SADC), including women in the media. In Madagascar, only 21% are women as sources of information, 34% are women in senior positions in the media and 29% women in photos / illustrations. We find that women are more seen than heard with a difference of 8%. This situation reinforces the stereotypes associated with women, who are always considered in relation to her body.

Violence Against Women in Elections (VAWIE)

Violence against women in the context of “political conflict, repression and resistance” in Madagascar is a feature that has been seen in every election, especially in a remote areas, and it is a frequent experience for women whether they are politically active or not. 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.



Figure 3: Independent National Electoral Commission

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Key recommendations

1. Integrate into the law on political parties as well as into the electoral code a "temporary special measure" to promote and increase women's participation in politics for all elections.
2. Advocate for advancement of the development of the Gender Equality Framework Law and its adoption and promulgation.
3. Advocate for implementation of the Framework Act enforcement mechanisms once promulgated
4. 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.
5. Sensitize and train women as well as political parties about the added value of women's participation in politics
6. Work with media houses to make sure that "every voice counts" in the coming elections.

