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CONCEPT NOTE

GENDER AND ELECTIONS EXPERT MISSION TO ZAMBIA; MARCH 2020

Synopsis

This concept note concerns a SADC Expert Mission to Zambia to hold consultations on enhancing women's political participation at national and local level following discussions between the Zambia Ministry of Gender and Child Welfare; and Gender Links. The mission will be funded by the African Women's Development Fund (AWDF). The mission follows the assessment of women's representation in elections in Zambia which is currently low as well as the proposed Constitutional Amendment Bill (2019) dubbed Bill 10 which proposes the following areas that are related to elections:

- Revise the principles and values of the Constitution;
- Revise the electoral system for elections to the National Assembly;
- Revise the period for dissolution of the National Assembly;
- Revise the period of hearing and determination of a presidential election petition;
- Revise the manner of election of mayor and council chairperson;
- Establish the office of deputy minister;
- Revise the composition of the Cabinet;
- Revise the provisions relating to the establishment of commissions;
- Provide for the membership of Members of Parliament in councils;

The mission seeks to increase women's participation both at national and local level, at the very moment when all countries in the region seek to close the gender gap in line with the SADC Protocol on Gender and Development (2016). SADC abounds with examples of different combinations of electoral systems and quotas that have led to greater inclusion. The expert team is drawn from Lesotho, Zimbabwe, Mauritius and Namibia, each of which has interesting and relevant experiences to share. The mission will comprise two days of bilateral meetings with relevant institutions and a half day stakeholder consultation (see Annex A).

Objectives

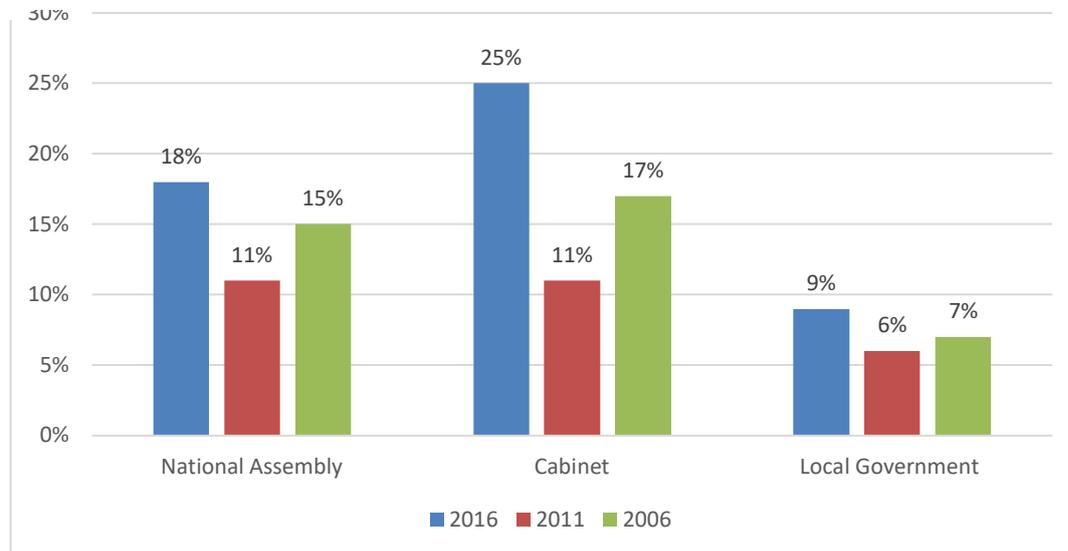
- To share experiences of electoral systems and gender quotas in the SADC region.
- To map out strategies that will favour an increase in women's representation through the Constitutional Amendment Bill (2019).
- To examine possible options for Zambia to increase women's representation and participation at both national and local level ahead of the 2021 elections.
- To identify opportunities for legislative and policy reform well ahead of the 2021 elections.
- To offer ongoing technical backstopping and support as needed.

Background

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. 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.”

Women’s political representation at different levels of governance in Zambia



The graph tracks women’s participation in political decision-making in Zambia over the last three elections. Following the adoption of the amendment of the country’s Constitution in 2016, the proportion of women in the national assembly increased from 11% to 18% and in the Cabinet from 11% to 25%. In the 2016 Zambian elections political parties fielded only 16% women as parliamentary candidates and 9% women in the local government elections¹. Zambia ranks at 115 in the Inter Parliamentary Union’s ratings of women in parliament². Women’s representation in local government increased from 6% in 2011 to 9% in 2016. Zambia is well behind the 50/50 target in all three areas.

Bill 10

The Constitution Amendment Bill (2019) provides an opportunity for Zambia to increase women’s representation in the 2021 elections. The Bill proposes the following amendments:

- **Article 47:** (2) Elections to the National Assembly shall be conducted under a mixed member electoral system, as prescribed.
- **Article 51:** The Constitution is amended by the repeal of Article 51 and the substitution therefor of the following: A person is eligible for election as an independent candidate for a National Assembly seat if the person meets the qualifications specified in Article 70 for election as a Member of Parliament.
- **Article 60:** A political party shall— (a) promote the values and principles specified in this Constitution ; A political party shall not— (a) be founded on a religious, linguistic, racial, ethnic, tribal, gender, sectoral or provincial basis or engage in propaganda based on any of these factors;
- **Article 153:** Election of councillors, composition of councils and tenure

Constitutional provisions

The Constitution of Zambia as amended in 2016 states in its preamble that Zambia shall:

- Uphold the human rights and fundamental freedoms of every person;

¹ Womankind, Zambia elections: The missing Voices of Women (2016)

² Inter Parliamentary Union, Women in Politics rankings 2019

- Commit ourselves to upholding the principles of democracy and good governance;
- Confirm the **equal worth of women and men** and their right to freely participate in, determine and build a sustainable political, legal, economic and social order;

Among the national values in the Constitution (Section 8) are “human dignity, equity, social justice, equality and non-discrimination.” Section 173 (values and principles of public service) provides for “adequate and equal opportunities for appointments, training and advancement of members of both gender and members of all ethnic groups.”

Affirmative action:

The Constitution does not provide for quotas or Temporary Special Measures for women in elections. However, the 2016 Constitution does provide (under General Provisions) that: “Where a person is empowered to make a nomination or an appointment to a public office, that person shall ensure that fifty percent of each gender is nominated or appointed from the total available positions, unless it is not practicable to do so.”

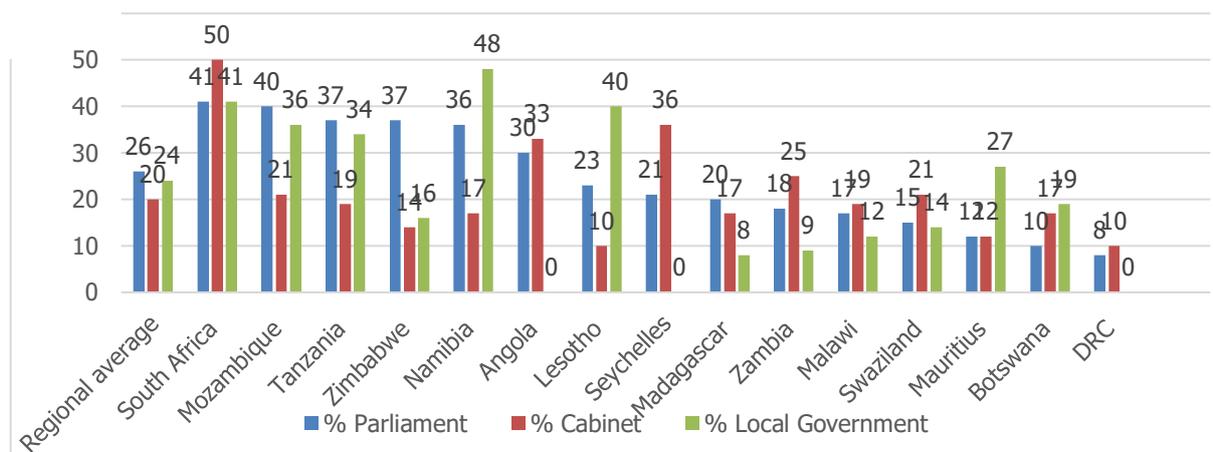
Gender Equality Commission

Section 231 of the 2016 Constitution provides for the establishment of a Gender Equality Commission to:

- Monitor, investigate, research, educate, advise and report on issues concerning gender equality;
- Ensure institutions comply with legal requirements and other standards relating to gender equality;
- Take steps to secure appropriate redress to complaints relating to gender inequality, as prescribed.

This Commission is yet to be established. It has therefore not been able to play a monitoring role and or to initiate action on electoral reform to promote women’s increased representation in politics.

SADC experience



The 2018 SADC Gender Barometer shows that:

- Performance continues to be mixed in different areas of political decision-making.
- 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 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); Zimbabwe (parliament), Lesotho (local government) and Seychelles (cabinet).

Electoral systems and women’s representation in SADC parliaments

Source: Gender Links 2018

The table shows that:

- At 38%, countries with quotas have a far higher representation of women than those without quotas (16%).
- Consistent with global trends, countries with the PR system (38%) have a much higher representation of women than the FPTP (16%).
- Women’s representation in the mixed system (34%) is more than double the FPTP system.
- Quotas used in combination with the PR system (38%) and mixed system (37%) result in the highest representation of women.
- Women comprise 37% of parliamentarians in countries with a mixed system and quota, compared to 23% in countries with a mixed system and no quota.

Rationale for the mission

Electoral system	Overall % Women	With quota % women	Without quota % W
FPTP	13%	15%	13%
PR	38%	38%	36%
MIXED	34%	37%	23%
OVERALL	26%	38%	16%

Country	Electoral system national	Quota national	% women national	Electoral system local	Quota local	% women local
Zambia	Mixed	Constitutional-30%	31%	FPTP	No	14%
Lesotho	Mixed	Law-30% PR	23%	Mixed	Law -30%	40%
Mauritius	FPTP (mixed)	No	12%	FPTP	Law -30% women or men	27%
Namibia	PR	Voluntary	36%	PR	Law -30%	48%

The table sets out the rationale for the countries and stakeholders represented in the Expert Mission.

- **SADC Parliamentary Forum** has been at the forefront of highlighting women’s political participation and representation during the assemblies as well as other forums. The SADC Parliamentary Forum will coordinate expert group members from the countries below.
- **Lesotho** has a quota at the local level, similar to the one pertaining at national in Zimbabwe (women and men contest FPTP seats; 30% seats distributed on a PR basis). This formula has not been fully applied at national level, where there is a 30% quota only for PR seats in a mixed system. Zimbabwe may wish to consider a mixed electoral system at national and or local level in 2023 for reasons other than gender, and consider what kind of gender quota would work best. The Lesotho example shows best case scenario.
- **Zimbabwe** pronounced Constitutional changes extending the quota for women at the National Assembly by a further 10 years. A similar gender and elections mission was conducted by UN Women and Gender Links in 2019. The country has a mixed system at national level and a FPTP at the local government level.
- **Mauritius** runs its elections largely on a FPTP basis. It is the only country in SADC that has implemented a gender neutral quota in a purely FPTP system (local elections) but accompanied this with strong advocacy. If Zimbabwe should decide to retain the FPTP system, the Mauritius example is very relevant. The absence of a quota at national level, where women represent 12% of MPs is equally instructive.
- **In Namibia**, elections at both national and local level are on a PR basis. When combined with a legislated quota (local) this produces amazing results for women. There are arguments for and against the PR system, including in Namibia. A motion is being introduced in parliament to legislate quotas at national and local level.

Programme at a glance

DATE	ACTIVITY
24 February	<ul style="list-style-type: none"> • Expert Team Arrives in Zambia • Briefing with Ministry of Gender and other stakeholders • Meeting with Zambian Women’s Leaders (Hosted by Zambia Ministry of Gender)
25 February	Bilateral meetings – Zambia Ministry of Gender, Office of the President
26 February	Bilateral meetings – Political parties , Zambia Women’s Caucus
27 February – am	Stakeholder working meeting, including with the Zambia Electoral Commission , Local Government Association of Zambia (LGAZ), Civil Society (Women’s Lobby Group, NGOCC, WLSA, Gender Links)
27 February – pm	Wrap up and conclusion

Outputs

- Relevant papers, presentations, policies and laws to help inform the processes in Zambia.

Outcomes

- A clear roadmap or strategy for lobbying and advocacy to increase women’s political representation and participation at both the local and national level.

Annex A: Draft Programme for Consultative Meeting 27 February

TIME	AGENDA ITEM	WHO	REFERENCE
8.30 – 9.00	Registration	All	
9.00 :09:15	Welcome Remarks	Ministry of Gender	
9.15 – 10.15	Panel presentation	Electoral Commission of Zambia	Moderator
	Regional	CLM	Power point
	Lesotho	TBC	Power point
	Mauritius	TBC	Power point
	Namibia	TBC	Power point
	Zimbabwe	TBC	Power Point
10.15 – 10.45	Discussion		Moderator?
10.30 -11.00	TEA		
11.00 -12.00	Group work	All	Discussion paper
	National options		
	Local Options		
12.00 -12.30	Report back		
12.30 -13.00	Wrap up and closure		