

50/50 POLICY BRIEF SWAZILAND

March 2018



QUICK FACTS

- 15% Women in Parliament
- 21% women in Cabinet
- 15% women in Local Government
- A woman President of Senate
- A woman Deputy Speaker of Parliament
- The Gender Links Gender Media Progress Study 2015 presents 18% women sources overall and 8% women sources for the political topic.

The Policy Brief concerns women's participation and representation in key decision-making structures at local and national levels in Swaziland and makes the case for urgent action to achieve gender parity at all levels of political decision-making. The 2018 national elections are critical for 50/50 reforms at legislative, political party and implementation levels if Botswana is to achieve gender parity by 2030 as per the Sustainable Development Goals and the SADC Gender and Development Protocol.

With a First Past the Post (FPTP) electoral system with no quotas at all governance levels, the main 50/50 strategic focus is to lobby for legislated electoral reforms, policy transformation within political parties in the face of coalition party leadership, mobilise and build the capacity of more women to take on political leadership roles.

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.

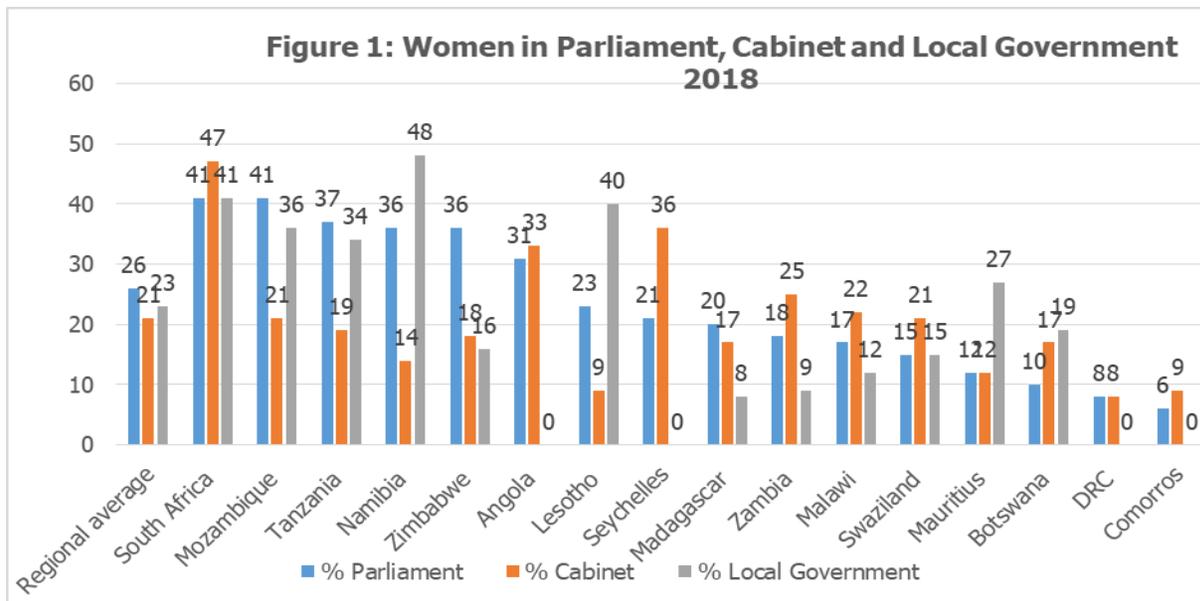
This policy brief highlights gains and losses in Swaziland over the last decade within the SADC context. A key point made is that if some countries can achieve or come close to achieving this target, then all countries in the region can do so.

Constitutional Provisions

- Section 86(1) of the constitution provides that where women do not “constitute at least thirty percent of the total membership of Parliament”, the procedure detailed in section 95(3) of electing four additional women to parliament on a regional basis, should be implemented.
- Of the ten Senators elected by the House of Assembly, at least half should be women and of the King’s ten appointees to the House, at least half should be women. Of the twenty appointees to Senate, at least eight should be women.

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, 09 March 2018

Figure 1 shows that:

- Swaziland’s performance is very low in achieving gender parity. Swaziland ranks low at 176 out of 202 countries in the world according to the Inter-Parliamentary Union’s World Classification of Women in Parliament.
- With below 20% women in parliament, cabinet and local government, it is one of the bottom five countries in SADC rankings in all governance levels.
- Like Swaziland, countries with the First Past the Post Electoral System including Madagascar, Botswana, Mauritius, Malawi, Zambia and DRC still have a long way to go to achieve gender parity across categories.

- No country has reached the 50% target. At 41%, South Africa and Mozambique have the highest proportion of women in parliament, South Africa leads on women in cabinet whilst Namibia has the highest proportion of women in local government. These countries have a legislated PR or mixed system of governance.
- Swaziland has 15% women representation in parliament, 21% in cabinet and 15% women in local government.
- The regional average women in local government regressed from 24% in 2017 to 23% in 2018. Women in local government in Swaziland increased by three percentage points from the 2012 local government elections to the current 15% from the 2017 elections.
- Only eight countries have exceeded the 30% mark in one or more areas including South Africa (parliament, cabinet, and local government); Mozambique (parliament and local government); Tanzania (parliament and local government); Angola (parliament); Namibia (parliament and local government); Zimbabwe (parliament); Angola (parliament and cabinet); Lesotho (parliament and 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 2018 regional average of only 21% resulting from numerous cabinet reshuffles; from a low of 23% in 2017 raises serious concerns regarding the political will of SADC heads of state to increase women's representation in decision-making. Swaziland has 21% women in cabinet. Cabinet appointments that are at the sole discretion of the King should provide the ideal opportunity for leaders to "walk the talk". However, the patriarchal nature of the Swaziland monarchy influences the political and socio-economic status quo in Swaziland at national and local levels.

Leadership is centralised with the King. Swaziland has a constitutional monarchy with a bicameral parliament whose two chambers are known as the House of Assembly and the Senate. The head of state is His Majesty King Mswati III; the king appoints the prime minister from the House of Assembly following an election for a five year term, and the cabinet on the advice of the prime minister. The House of Assembly has 65 members; 55 elected by universal suffrage directly from Tinkhundla centres and ten appointed by the king for a term of up to five years. The Senate is composed of 30 members, of whom ten are elected by the House of Assembly and 20 are appointed by the king. Swaziland is divided into four administrative regions, each with a regional administrator appointed by the King as its political head.

Electoral systems and quotas

Despite the provisions in the Agenda 2030 SADC Gender Protocol for "special measures" the uptake varies across the region and in Botswana.

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 a PR system voters choose based on the party and its policies, rather than on a particular individual. This works in favour of women – at

least as far as getting their foot in the door – because of socialised prejudices against women in politics.¹

- 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.*”

Swaziland uses the FPTP electoral system with no quotas at local and national government levels. This system has influenced women’s participation in that, because women must contest as individuals, fewer women than men have tended to stand for election, be nominated, participate effectively and ultimately be elected.

There is overwhelming evidence internationally 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 In a PR system voters choose based on the party and its policies, rather than on a particular individual. This works in favour of women – at least as far as getting their foot in the door – because of socialised prejudices against women in politics.³ The chance of women being elected is even higher when the PR system works in concert with a quota.

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

	FPTP	PR	Mixed
Arguments for the electoral system.	Swaziland (local, national) with no quota. 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. Constitutional monarchy not ideal for democracy.	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.	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

¹ Lowe-Morna, 1996.

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

³ Lowe-Morna, 1996.

	FPTP	PR	Mixed
			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 Botswana, Zambia, and Zimbabwe 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 one 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.⁴ The chance of women being elected is even higher when the PR system works in concert with a quota.

⁴ For more information on the comparative global data on quotas for women in politics see www.idea.int/quota.

National context

The past two national elections, in 2008 and 2013 have seen a reduction in the number of women – both elected and appointed - in Parliament. In 2008, seven women were elected from constituencies (*tinkhundla*) while the King appointed two to the House of Assembly and seven to Senate. In 2013, only one woman was elected from 55 constituencies and the King appointed three and five women to the House and Senate respectively. In both elections, the constitutional process of electing four additional women to parliament in the event of a result of less than 30% women representation was not implemented.



Women are very active as voters - in the past two elections they have been the majority of those who registered and those who ultimately voted. However, this has not translated into a greater number of women in these important leadership positions. A number of challenges face women who want to participate in politics and governance.

Discrimination is fuelled by socio-cultural norms and practices, negative attitudes and stereotypes about women, with emphasis that their role is in the domestic sphere rather than in politics. Women have been seen as voters rather than as potential leaders. Women themselves have shied away from political leadership. Additionally, not fully understanding the electoral process and lack of resources also inhibit women's participation.

However, there is heightened interest amongst women in contesting the upcoming elections at all three elective offices of *Bucopho*, *iNdvuna yeNkundla* and Member of Parliament. This in part is motivated by women's concern that their voices are not heard on national development matters (including women's issues), yet they usually bear the brunt of any negative effects of decisions made within the governance arena.

Political parties

Swaziland's electoral system does not accommodate political parties contesting elections. While there is a nascent political party movement, political parties' existence and role in elections and governance are not recognised under the law. Consequently, in accordance with Section 79 of Swaziland's constitution which states, "individual merit as a basis for election or appointment to public office," candidates contest elections as individuals.

Election management

Election Management Bodies (EMBs) ensure that the environment in which elections take place is conducive to the conduct credible elections.⁵ 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.⁶ 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

⁵ SADC Gender and Development Monitor 2016.

⁶ Commonwealth Secretariat (2016) Election Management: A Compendium, of Commonwealth Good Practice.

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."⁷ Swaziland's Elections and Boundaries Commission is established by Section 90 of the 2005 constitution and comprises five members including the Chairperson, Deputy Chairperson and three other members. Currently there are four Commissioners, of which only one, the Deputy Chairperson, is a woman.

The role of the media

Freedom of expression in Swaziland is guaranteed by section 24 of the 2005 national constitution. However, subsequent clawback clauses restrict this right. There also remain a number of draconian laws that relate to contempt of court, defamation and limited access to information that are contrary to the constitution but have not been amended hence continue to operate and impede the media's diversity, pluralism, independence and overall freedom to play its role effectively.

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 Swaziland, women comprised 18% of sources overall, and 8% of sources in the political topic category. Thus although women constitute over 50% of the population, they only comprise 8% of sources in the political topic category. The study finds that

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

Violence Against Women in Elections (VAWIE)

As Swaziland operates a no-party electoral system, the issue of VAWIE related to political party election contest does not arise. However, the individual merit-based system does not make women immune to violence either. Swaziland's elections are generally characterised as peaceful and incidents of overt violence are rare. Nonetheless, women participating in elections report experiencing subtle and insidious forms of violence in the form of threats, intimidation and sexual harassment through the election cycle. A form of overt violence that has increased during election is that of ritual killings, where women comprise a higher proportion of victims. In terms of mitigating potential threats, there are ongoing awareness-raising and capacity-building initiatives to assist women with knowledge and skills of how to protect themselves against such violence and how to obtain redress when such violence occurs.



⁷ Commonwealth Compendium of Good Election Management Practice.

Key recommendations

The next national elections are due towards the end of 2018 and Gender Links Swaziland's main 50/50 strategic focus to influence gender equality in the country is:

1. Lobby for permanent electoral systems reform from the FPTP to a PR system that is more inclusive and conducive to women's participation. At worst, the constitutional quotas must be effectively implemented to facilitate more women gaining access to political leadership.
2. Conduct advocacy and lobby for changes that will raise the minimum threshold of women's MPs from a minimum of 30% to 50%.
3. Build capacity of aspiring and elected women (*Bucopho*, *Indvuna Yenkhundla* and MPs) with knowledge and skills, in the former case, to effectively participate in the elections and in latter case, to promote gender equality commitments at their levels of operation.
4. Undertake awareness-raising, civic and voter education initiatives aimed at promoting women's greater and more effective participation in elections and in politics and governance
5. Conduct advocacy and lobby the relevant structures to address discriminatory laws and customary practices that discriminate against women in elections and to pass enabling legislation that advances the 50/50 campaign agenda.
6. Continue to engage, network and collaborate with relevant stakeholders such as the CANGO Gender Consortium, Alliance members, Gender and Family Issues Department (Deputy Prime Minister's Office) and the Parliamentary Women's Caucus, gender focal points of local government structures to promote gender equality in governance.
7. Build capacity of the media to reflect women's political participation in a progressive way that promotes gender equality in governance, rather than perpetuates stereotypes about women's unsuitability for leadership.