

## GENDER AUDIT OF ELECTORAL LAWS, POLICIES AND PRACTICES: ZAMBIA

### Key facts

	Last election/ announcement	Next elections	Electoral system	No of seats/ candidates/ appointments	No of women	% Women
Local government	2016	2021	FPTP	1455	132	9%
House of Assembly	2016	2021	FPTP	167	30	18%
Presidential elections	2016	2021	FPTP	16	1	6%
Cabinet	2016	2021		32	8	25%

### Synopsis

This country profile is part of the *Gender Audit of Election Related Laws, Policies and Practices* commissioned by the East and Southern Africa Region (ESARO) office of UN Women. It sets out key issues and options for the increased representation of women in politics in Zambia following the 2016 elections in which women's political representation at national and local level is still far below the 50% espoused in various commitments made by Zambia.

The issue is of critical importance given the fact that:

- The country's next elections are in 2021.
- Unlike many ESARO countries, there is no provision at all for Temporary Special Measures (TSM) to promote women's political participation at any level of governance in Zambia.
- The Constitution Amendment Bill of 2019 presents an opportunity to introduce changes.
- There is considerable traction in Zambia around electoral reform at national, though not local level.

### Barriers to women's political participation

Zambian women face a multitude of formal and informal barriers to political participation. Despite the appointment of women to key decision-making positions such as Vice-President, Chief Justice, Head of the Anti-Corruption Commission, Auditor General, Head of the Drug Enforcement Commission, President of the Constitutional Court, and Judge President of the Court of Appeal, Zambia has a mere 12% women in parliament and 8% in local government. Zambia is an example of the many countries globally with a First Past the Post (FPTP) electoral system but no constitutional or legislated quota or special measures in place to promote women's equal and effective participation in political decision-making. Other underlying factors that fuel gender disparities in political decision-making include lack of resources for the campaign process, lack of civic education, cultural perceptions, gender based violence and intimidation.

## Normative frameworks

**International Policy Framework:** Zambia is signatory to several international instruments providing for gender equality including the Sustainable Development Goals, Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1991); the Beijing Declaration on the Platform for Action (1995); the Convention on Civil and Political Rights (CCPR); the Equal Remuneration Convention; the Convention on Prohibition of Discrimination in Occupations, Convention on the Elimination of the Worst Forms of Child Labour and the Convention on Economic, and Social and Cultural Rights (ECOSOC).

**Regional Policy Framework:** In 2006, Zambia ratified the protocol to the 2003 African Charter on Human and People's Rights on the Rights of Women (the Maputo Protocol). Zambia is also party to the 2004 Solemn Declaration on Gender and Equality in Africa. Zambia has ratified the Southern African Development Community (SADC) Protocol on Gender and Development Protocol (2008) and the amendment updating the Protocol in line with the SDGs (2016) and subscribes to the COMESA Gender Policy. These instruments advocate women's *equal and effective participation* in all areas of decision-making.

*Domestication:* The provisions on women's political participation have been domesticated through the Gender Equality Act (see below); however these provisions are still far from being realised in reality.

**National Policy Frameworks:** Zambia's **National Gender Policy** (NGP) states that: "Women's participation in decision-making has been identified as critical to sustainable development. However, women are largely underrepresented in decision making at all levels in institutions including the Executive, Legislature, Local Government, Quasi Government institutions, political parties, the private sector, religious bodies and traditional establishments. Achieving gender equality requires women's active participation and involvement in decision making at all levels, starting in the home and extending to the highest levels of government. The fact that gender inequalities continue to exist in all sectors at all levels, has negative implications on national development."<sup>1</sup> The NGP's objective on women in decision-making is "to increase the participation of women in decision making at all levels of development in the public and private sectors."<sup>2</sup>

The **Gender Equity and Equality Act 22 of 2015** Part II on General Principles, Policies and Measures provides safeguards against gender discrimination and stereotyping and promotes women's rights. Additional provisions include:

- **Section 24.** (1) states that the Ministry responsible for gender shall, in liaison with the Commission, ensure the equal participation of both sexes in decision-making by formulating and implementing policies, strategies and programmes for "...building the capacity of women to participate effectively in decision-making through leadership and gender sensitive training and mentoring; providing support structures for women in decision making positions; and changing discriminatory attitudes and norms of decision making structures and procedures."
- **Section 24.** (2) All public bodies and private bodies shall, within their ambit of responsibilities, develop special measures to achieve at least 50% representation and attain meaningful participation of women in decision- making structures.

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<sup>1</sup> Ministry of Gender and Child Development, National Gender Policy, 2014

<sup>2</sup> Ibid Section 5.5

- **Section 29.** (1) (b) provides women with an equal opportunity to participate in public decision-making and formulate and implement Government policies and programmes.

### **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;
- 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 as has happened in other ESARO countries for example in Zimbabwe.

### **Electoral system**

The Electoral Process Act No.35 underscores equal and universal suffrage. Under "principals of electoral system and process, the act states that "Subject to the Constitution, the principles applied in the electoral system and process shall ensure the following: (a) equal and universal suffrage; (b) no discrimination based on gender or disability when providing electoral services; (c) transparent and credible electoral process".

The electoral system of Zambia is spelt in the Constitution and provides the electoral framework for all levels of governance.

***National assembly:*** Zambia has a unicameral legislative system therefore it does not have a senate. The National Assembly has 166 members; 156 members are directly elected in single-member constituencies using the simple plurality (or First-Past-the-Post, FPTP) system as provided by Article 47 (2) of the Constitution. The Constitution Amendment Bill of 2019 proposes that "elections to the National Assembly shall be conducted under a Mixed

Member Electoral System<sup>3</sup>” for elections to the National Assembly, to promote representation of women, youth and differently-abled citizens. The provision refers to a law, possibly a future Electoral System Bill, to determine how the mixed-member representation would function in practice. If enacted, this will replace the current FPTP with a mixed system, i.e. voters will vote both for a candidate (FPTP) and party (Proportional Representation or PR). The PR system is more favourable to women’s participation than the FPTP, but is most effective when accompanied by a quota.

The Constitution as amended in 2016 states that “the electoral systems provided for in Article 47 for the election of President, Member of Parliament or councillor shall ensure **gender equity** in the National Assembly or council and fair representation of the various interest groups in society.<sup>4</sup>” However, presently, neither the Constitution; Constitutional Amendment, nor the Electoral Act, has quotas for women, despite the general principles of equity and parity that are espoused.

*Special appointments:* In addition to the seats that are voted on, the Constitution provides for eight nominated members.<sup>5</sup> Article 69 (1) of the Constitution provides for nominations by the President “where the President considers it necessary to enhance the representation of special interests, skills or **gender** in the National Assembly.”<sup>6</sup> The President also appoints the Vice-President<sup>7</sup> to be the Leader of Government Business in the National Assembly. This is a chance for the President to appoint a woman Vice President subject to approval by the National Assembly. President Edgar Lungu appointed a woman, Inonge Wina, to this position after the 2016 elections.

The Speaker and the First Deputy Speaker are elected from persons who are qualified to be elected as members of parliament but are not members of parliament. They become members by virtue of holding their post. The Second Deputy Speaker is elected from among the members of parliament. The two Deputy Speakers cannot be members of the same political party or the same **gender**: this secures the only definite seat for women in parliament.<sup>8</sup>

**Local government:** Part 8 of the Constitution provides for a system of local government comprised of councils elected on the basis of universal adult suffrage.<sup>9</sup> The 103 local authorities are overseen by the Ministry of Local Government and Housing and consist of four city councils, 15 municipal councils and 84 district councils. There are also ten provinces, which are purely administrative. Local government is governed by the following laws:

- Local Government Act 1991:2b (Cap. 281), and amendments: Act No. 19, 1992; Act No. 30, 1993; Act No. 13, 1994; Act No. 30, 1995; Act No. 22, 1995; Act No. 8, 2004; Act No. 9, 2004; and Act No. 6, 2010
- Local Government Elections Act 1992 (Cap. 282) amended twice.

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<sup>3</sup> Constitution Amendment Bill 2019, Article 9 (2).

<sup>4</sup> Constitutional Amendment Act 2 of 2016, Section 45.(2) (d) (1)

<sup>5</sup> Article 68 (2)(b) of the Constitution of Zambia as amended (2016)

<sup>6</sup> Article 69 (1) of the Constitution of Zambia as amended (2016)

<sup>7</sup> Article 74 of the Constitution of Zambia as amended (2016)

<sup>8</sup> Inter Parliamentary Union Parline, Zambia National Assembly accessed on 5 September 2019 from <http://archive.ipu.org/parline-e/reports/2359.htm>

<sup>9</sup> Commonwealth Local Government Forum, Zambia Country Profile 2017/18

Part V of the 2016 Constitution states that: "Elections to councils shall be conducted under a first-past-the-post electoral system." There is no provision for an amendment of the electoral system at the local level in the Constitutional amendments currently under review. There is no gender quota for women at the local level.

## **Electoral laws**

### ***General provisions***

The Electoral Process Act No. 35 (2016) Section 3.(b) states that there shall be "no discrimination based on **gender** or disability when providing electoral services." However, the law is written in gender insensitive language, referring to "he" throughout. For example, "26. (1) Every person applying for a ballot paper shall..(a) present *himself* at the polling station at which *he* is entitled to vote." These provisions are incongruent. The Electoral Act should be urgently reviewed ahead of the 2021 elections to ensure inclusive language.

**Independent candidates** are provided for in the Electoral Act under "procedures for nomination." The law provides that each candidate should "state the name of the political party" of which the candidate is the authorised candidate or, "if *he* is not the authorised candidate of any political party, that *he* is standing as an independent candidate." The use of "he" rather than gender neutral language is a concern, as it assumes that independent candidates are men. The provision for independent candidates especially in FPTP systems is important as women often feel marginalised in mainstream political parties and may opt to stand as independent candidates. This has in fact been the case in Zambia. For example, Zambia's Vice President Inonge Wina has in the past contested elections as an independent candidate.

### ***Eligibility***

- *Nomination fees for candidates:* Article 71 of the 2016 Constitution states that a valid nomination of a candidate is supported by (a) A paid a prescribed election fee to the Electoral Commission; and (b) at least fifteen persons registered as voters in the constituency in which the candidate is standing for election. In the 2016 elections, each candidate nomination cost 100,000 kwacha (approximately US\$1,000), to be paid either by a political party or individual candidates. The high cost of nomination fees forced many candidates to drop out from the campaigns.<sup>10</sup> Given educational and financial constraints, women are especially affected by requirements to hold a Grade 12 certificate and pay high nomination fees<sup>11</sup>.
- *Academic qualifications:* Article 70 of the 2016 Constitution says that any candidate must have a *minimum academic qualification* of a grade twelve certificate or its equivalent. The minimum education qualification poses a challenge to women who generally have lower levels of education than men. This is especially true in local government. Due to the new requirements some women candidates had to drop out according to the Zambia National Women's Lobby (ZNWL). In addition to lobbying decision-makers in the political parties to include more women, ZNWL supported local women from five districts to contest the elections<sup>12</sup>.
- *Public officers:* The draft Constitution Amendment Bill includes a new obligation for public officers wanting to run for office to resign at least two years ahead of elections. The European Union Election Follow-up Mission (EFM) to the Zambia 2019 Election commented that this could "potentially bear negative consequences on

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<sup>10</sup> IPU Parline accessed from <http://archive.ipu.org/parline-e/reports/2359.htm> on 05/09/2019

<sup>11</sup> [https://eeas.europa.eu/sites/eeas/files/efm\\_zambia\\_publication\\_july\\_2019\\_0.pdf](https://eeas.europa.eu/sites/eeas/files/efm_zambia_publication_july_2019_0.pdf)

<sup>12</sup> Demo Finland: Zambian Women on a rocky road, June 2016

women's participation as candidates. The EFM would recommend further evaluating the possible impact of this decision on women's participation."<sup>13</sup>

### ***Campaign finance***

Article 60 of the 2016 Constitution prescribes the following with regard to funding of political parties:

- the establishment and management of a Political Parties' Fund to provide financial support to political parties with seats in the National Assembly;
- the accounts of political parties which are funded under the Political Parties' Fund and the submission of audited accounts by political parties;
- the sources of funds for political parties;
- the maximum amount of money to be used for campaigns during elections;

In practise, political party funding in Zambia is characterised by an absence of public funding of political parties; a heavy dependence on a few wealthy donors; a lack of legal regulation of fund raising, campaign spending or financial disclosure. Women, who remain outside the established networks, are at a disadvantage.

The Political Parties Bill (2017) proposes a Board of Political Parties to oversee the registration and operations of political parties and to provide mechanisms for the establishment and management of a Political Parties Fund<sup>14</sup>. It will inquire on and regulate the sources of funds for political parties. The Political Parties' Fund has not yet been established and the bill has not been enacted posing challenges to support for women candidates as the 2021 elections approach. In the 2016 elections, the Zambia National Women's Lobby created the Women Campaign Support Fund Zambia to assist female candidates. While this is a noble gesture, campaign financing should be first and foremost a political party responsibility. Parties need to ensure sufficient material and moral support, especially for new women candidates.

### ***Violence Against Women in Elections (VAWIE)***

The Electoral Code of Conduct (contained in the Electoral Process Act of 2016) condemns "violence or use any language or engaging in any conduct which leads or is likely to lead to violence or intimidation during an election campaign or election."<sup>15</sup> The Constitution Amendment Act 2016, Article 45 (2)(b) commits to elections that are free from violence, intimidation and corruption; Article 60 (3)(b) *prevents political parties* from engaging in or encouraging violence or intimidation of its members, supporters, opponents or other persons. Although gender violence, including sexual harassment, is implicit in these provisions, this is not explicitly stated. The violence in the 2016 Zambian elections included instances of Violence Against Women in Elections (VAWIE). There were reports of women candidates being beaten, intimidated and even stripped naked. The explicit recognition and mitigation of VAWIE in electoral laws is an important consideration.

### **Political parties**

Part V of the Zambia Constitution (2016) states that "A political party shall not be founded on a religious, linguistic, racial, ethnic, tribal, **gender**, sectoral or provincial basis or engage in propaganda based on any of these factors." There are no other gender provisions for political parties in the Constitution or the electoral laws. Political party constitutions are not publicly available, but their stance on gender is reflected in manifestos.

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<sup>13</sup> [https://eeas.europa.eu/sites/eeas/files/efm\\_zambia\\_publication\\_july\\_2019\\_0.pdf](https://eeas.europa.eu/sites/eeas/files/efm_zambia_publication_july_2019_0.pdf)

<sup>14</sup> The Zambia Political Parties Bill, 2017

<sup>15</sup> Electoral Process Act of 2016, Section 15

## Gender analysis of 2016 election manifestos

QUOTA	GENDER SPECIFIC REFERENCES IN MANIFESTOS	GENDER MAINSTREAMED IN MANIFESTOS
<b>Patriotic Front (PF) – ruling party</b>		
<p>Manifesto states: “In the period 2016-2021, the Patriotic Front will continue to adopt the greatest number of women as parliamentary candidates as well as at Councillor level to help achieve the 50/50 threshold by domesticating relevant international and regional frameworks.”</p>	<ul style="list-style-type: none"> <li>• In its 2011-2016 manifesto the PF pledged to domesticate international protocols relating to women and gender in development so as to enhance representation of women in decision making.<sup>16</sup></li> <li>• The 2016-2011 PF manifesto gives priority to Women in Socio-Economic Development and Gender. It also commits to improving women and children’s health.<sup>17</sup></li> </ul>	<ul style="list-style-type: none"> <li>• The PF pledged to increase the number of women in decision making in its 2011-2016 party manifesto.</li> <li>• The 2016-2011 PF manifesto commits to eradicating all forms of discrimination against girls and women and domesticating all Protocols that will enhance women in decision making.</li> </ul>
<b>United Party for National Development (UPND)</b>		
<p>Commits to ensure that at least 30% of its national management committee members are women – The party currently has one woman in top leadership (the national chairperson).</p>	<ul style="list-style-type: none"> <li>• Party vision is: “A Zambia where every man and woman is equipped with the skills, support and opportunity to find a job or start up a business and earn a decent living<sup>18</sup>.”</li> <li>• Commits to have stringent laws and regulations against Gender Based Violence (GBV).</li> <li>• Commits to put in place measures to protect the vulnerable in society, which includes women and youth.</li> </ul>	<p>The party’s Ten Point Plan (2016) includes reducing inequality by increasing support to the disadvantaged. Core values include unity in diversity and protection of freedoms and rights of all citizens.</p>
<b>Forum for Democracy and Development (FDD)</b>		
<p>Commits to a 30% quota for women in decision-making positions – the party president is a woman.<sup>19</sup></p>	<ul style="list-style-type: none"> <li>• Promises to implement the principle of equal pay for equal work.</li> <li>• Promises to review the penal code to strengthen the laws dealing with violent crimes especially those against women and children.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 14 of the manifesto promises to promote mainstreaming of gender in all programmes and projects.</li> <li>• Promotes programmers and organizations to adopt a gender policy adapted to their specific situations.</li> </ul>

<sup>16</sup> Zambia Patriotic Front Manifesto 2011-2016

<sup>17</sup> Zambia Patriotic Front Manifesto 2016-2021

<sup>18</sup> UPND Zambia Manifesto 2016-2021 accessed from <https://upndzambia.org/manifesto-2016-2021/> on 3 September 2019

<sup>19</sup> Forum for Democracy and Development manifesto 2016 accessed from <http://www.fddzambia.org.zm/manifesto.html> on 3 September 2019

As reflected in the table, all the top three political parties commit to gender equality but only the FDD party has a specific quota for women in its manifesto. The party is the only one in Zambia led by a woman, Edith Nawakwi. The ruling PF party commits to domesticating protocols to enhance women in political decision-making. This has not been put into effect as there are no gender quotas in the amended constitution or in electoral laws.

None of the political party championed gender parity in the 2016 elections. In its report on the 2016 Zambian Elections, the European Union Election Observer Mission (EU EOM) called on the political parties to apply affirmative action by integrating women into party structures and selecting them as candidates<sup>20</sup>.

### **The Electoral Commission of Zambia**

The Electoral Commission of Zambia (ECZ) is the autonomous Electoral Management Body for Zambia. The ECZ is established under Article 229 of the Constitution of Zambia and the Electoral Commission of Zambia Act No. 25 of 2016 to ensure that elections are free and fair and promote democratic electoral processes<sup>21</sup>.

**Composition of the Commission:** There is no reference in the Act to gender balance in the Commission. However, as mentioned, 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.”

The ECZ consists of a Chairperson, Vice Chairperson and not more than three other members appointed by the President, subject to ratification by the National Assembly. The Commission has four (4) Committees chaired by Members of the Commission, namely Finance; Administration; Elections and Logistics; and Publicity and Voter Education. There are also other Committees created by Legislation that include the Audit Committee; Procurement Committee and Integrity Committee. The Chief Electoral Officer is the Chief Executive Officer of the Commission and is responsible for the management and administration of the Commission as well as implementation of the decisions of the Commission.

### **Electoral Commission of Zambia Top Leadership Composition<sup>22</sup>**

Position	Gender composition	
	Women	Men
Chairperson		1
Vice Chairperson	1	
Commissioners	1	2
Commission total	<b>2</b>	<b>3</b>
Management	<b>1</b>	<b>3</b>

As reflected in the table, the Commission comprises two women (40%) and three men. One out of four (25%) of top management positions are held by a woman. The Chairperson and Chief Electoral Officer are men.

<sup>20</sup>

<sup>21</sup> Electoral Commission of Zambia Act, 2016 Section 4(2)

<sup>22</sup> Electoral Commission of Zambia website, Accessed 1 September 2019 from: <https://elections.org.zm/establishment/>

**Gender in electoral processes:** In September 2017 the Electoral Commission of Zambia (ECZ) commissioned a review of the Constitution, the Electoral Process Act (EPA) and the ECZ Act<sup>23</sup> to ensure that these are harmonised. The Electoral Commission of Zambia (Amendment) Bill 2019 does not include any gender-specific provisions for the Commission. *It is important to get these included before the bill is passed into law.* In October 2017, the ECZ urged political parties to ensure that women and men are given equal opportunities in political leadership<sup>24</sup>. *Again, this needs to be reflected in electoral laws.* The EMB collects sex-disaggregated data on Voter registration and participation pre and post elections. This data is made public on the ECZ website<sup>25</sup>.

### **Voter enrolment and education**

The 2016 Constitution (Article 46) states that an 18 year old citizen is entitled to vote in an election by secret ballot. Zambia's population is estimated to be over 15 million, 51% female and 49% male. In the 2016 elections, Zambia had 6,698,372 registered voters: 3,372,935 (50.4%) women and 3,325,437(49.6%) men<sup>26</sup>. In seven of the ten Provinces of Zambia, there were more female voters than male voters<sup>27</sup>.

Part 2 of the Electoral Commission of Zambia Act 25 of 2016 clearly mandates the commission to conduct election education programmes with stakeholders. The ECZ and the United Nations Development Programme UNDP have been conducting training of members of civil society, women and persons with disability on the voting procedures and the contents of the Electoral Process act. This training and workshops are conducted in environments free from any political interference.

In the 2016 elections, the ECZ established Voter Education School Clubs (VESC's) in all provinces of the country to disseminate voter education information and to encourage voting among young people. Civil society organisations continue to run "vote for a woman" campaigns. These challenge the perception that politics is a male preserve.



### **Media and Elections**

The Gender and Media Progress Study<sup>28</sup> found that in Zambia women constituted a mere 14% of sources in the political topic category. Globally studies have shown that women politicians are frequently unfairly portrayed as honorary men or "iron women", with undue attention to their personal circumstances and relationships as opposed to their political commitments.

<sup>23</sup> European Union Election Follow up Mission Report to the Republic of Zambia, June 2019

<sup>24</sup> Zambia Daily Mail, October 11 2017

<sup>25</sup> <https://elections.org.zm/news/>

<sup>26</sup> Electoral Commission of Zambia, 2016

<sup>27</sup> Ministry of Gender: Gender Statistics on Women's Representation, April 2018

<sup>28</sup> GMPS, Ndlovu S, Nyamweda,T, Gender Links 2015.

The Electoral Process Act states that the media should “report election news in an accurate manner and not make any abusive editorial comment, incite violence or advocate hatred based on race, ethnicity, tribe, **gender, sex**, political or religious conviction.”<sup>29</sup> The Zambian legislation is among the few that outlaws gender bias in media coverage of elections.



### **Civil society**

The Electoral Commission works with civil society groups, church leaders, and international partners in strengthening democratic practise. CSOs have continued to encourage constructive dialogue between political parties, with a view to reducing hostility and violence throughout the electoral cycle. Additionally, political party dialogue structures are being strengthened to build trust in the electoral cycle, and to function regularly, and not just during elections.

The Women in Law Southern Africa Chapter (WLSA), the Women’s Lobby and Gender Links Zambia (local government) have been conducting 50/50 campaigns aimed at promoting women’s participation in the upcoming 2021 elections. The Women in Law Southern Africa Zambian Chapter (WLSA) offers legal advice for women candidates.

The Non-Governmental Organization Coordination Council (NGOCC), an umbrella body of Zambian civil society, also plays an important watch dog role. CSOs have been urging the electoral commission, political parties, and all relevant stakeholders to play their part in the implementation of the prescribed measures under the Gender Equality Act.

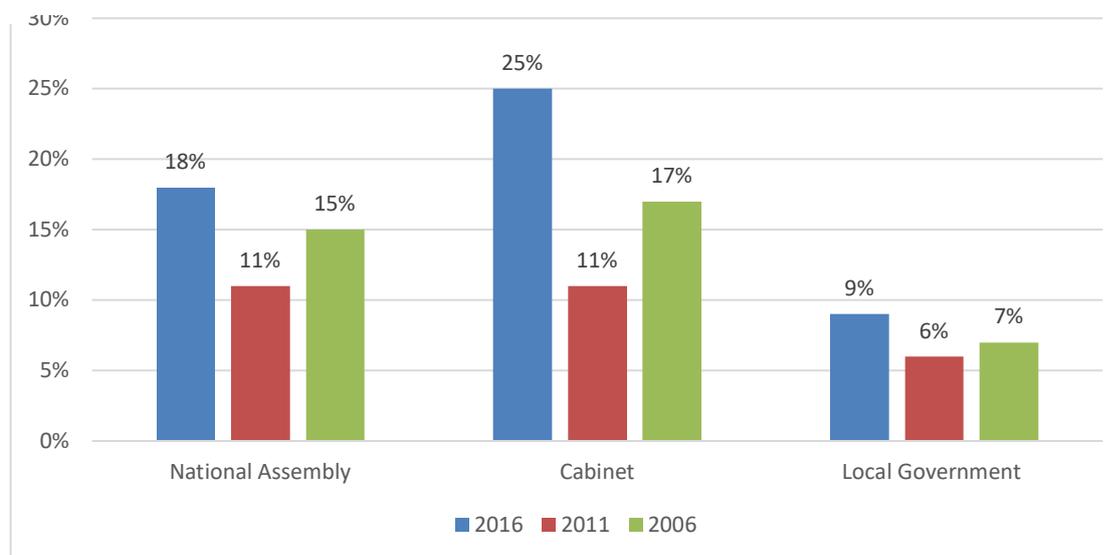
The ministry of gender in partnership with the Women’s lobby and NGOCC have been conducting gender audits of the past elections. The results of the audits are shared with political parties and other stakeholders.

Elections in Zambia are open to observation and monitoring by International and local CSOs. The observers are drawn from both local and international CSOs who have acquired proper accreditation as stipulated in the Electoral Act. There is an opportunity to strengthen coordinated gender monitoring of elections in 2021.

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<sup>29</sup> Electoral Process Act No. 35 of 2016 Section 7(2)(b)

## Election outcomes over the last three elections<sup>30</sup>



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 elections<sup>31</sup>. Zambia ranks at 115 in the Inter Parliamentary Union's ratings of women in parliament<sup>32</sup>. 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.

### ***Options for increasing women's representation***

The Constitutional Amendment Bill (2019) proposes a change of the electoral system to a mixed FPTP and PR system. In its 2016 election observer mission report, the EU recommended that Zambia consider legal requirements, such as mandatory quotas, for increasing women's representation.

The mixed system, if adopted at the ***national level***, would need to be supported by a legislated quota to deliver a substantial increase in women's representation. A useful comparative example for Zambia is Lesotho, which has a mixed system at national level, but a quota that applies only to the PR seats (one third of the total). Although a quota applied to the FPTP seats is not as water tight, since there is no guarantee that women candidates will be fielded in constituencies where they would win, it is advisable that in a mixed system the quota be across- the- board, to cultivate a culture of gender parity regardless of the electoral system.

<sup>30</sup> Gender Links, State of Women in SADC (2019); Inter Parliamentary Union Database of Women in Politics accessed on 4 September 2019 from

[https://data.ipu.org/compare?field=country%3A%3Afield\\_structure\\_of\\_parliament#map](https://data.ipu.org/compare?field=country%3A%3Afield_structure_of_parliament#map)

<sup>31</sup> Womankind, Zambia elections: The missing Voices of Women (2016)

<sup>32</sup> Inter Parliamentary Union, Women in Politics rankings 2019

At the **local level**, the tier of governance closest to the majority of women, elections are run solely on a FPTP system. At 9%, Zambia has among the lowest levels of women's representation at the local level. The Constitution Amendment Bill of 2019 proposes that elections to councils shall be conducted under a first-past the-post electoral system. A mixed system at this level would be preferable for women's political participation. There are precedents to this, for example local government in Lesotho and South Africa are run on the basis of a mixed system.

If a purely FPTP system prevails, comparative experience shows that a system of reserved candidacy (i.e. each party fields an equal proportion of women and men candidates) is preferable to reserved constituencies (i.e. a system in which certain constituencies are contested by women only). The disadvantage of the latter is that there is no guarantee that women candidates will be fielded in "safe seats" and therefore win. However, Mauritius (local government) has shown that if reserved candidacy is accompanied by capacity building of prospective women councillors, public education and awareness, plus commitment by political parties, women's representation can be increased.

### **Conclusions and recommendations**

Zambia has an amended Constitution with a gender equity and equality statement but with no change in the electoral system or provision for Temporary Special Measures. There is a Gender Equity and Equality Act but the Gender Commission has not been constituted. The current FPTP electoral framework is not conducive to an increase in women's political representation.

**Electoral systems and quotas:** The Zambia National Gender Policy (2014) highlights the following measures to increase women's representation in decision-making:

"Creating platforms for women's participation in decision making

- i) Review the electoral system to ensure participation of women.
- ii) Review and revise Political Party Manifestos to promote adoption of women candidate.
- iii) Lobby for a quota system of allocation of seats during local and parliamentary elections."

*Urgent action is required to ensure the amendments to the 2019 Constitution include the change to a mixed electoral system, and inclusion of a 50% quota for women in both PR and FPTP seats.*

**Political parties:** The Electoral Act and Political Parties Bill would need to be updated in line with such a Constitutional amendment. In particular, the amendments should require that parties field equal numbers of women candidates in FPTP seats; adopt a one woman, one man "zebra" in the lists; ensure an even spread of provide equal financial, mentorship and other support to women candidates; as well as ensure the safety and security of women candidates.

### **Electoral Act**

The Electoral Act should be amended ahead of the 2021 elections to:

- Reflect inclusive, gender aware language.
- Ensure that gender is mainstreamed in all electoral practices.
- Reduce the costs of standing for elections.
- Remove or reduce educational qualifications for candidates
- Review the obligation for public officers wanting to run for office to resign at least two years ahead of elections

**Election Management Body:** The ECZ should

- Work together with stakeholders involved in legislative reform to advocate for changes in the electoral systems and TSM to enhance women's political participation.
- Mainstream gender in the Electoral Commission of Zambia (Amendment) Bill 2019 before this is passed.
- Develop and adopt a gender policy that governs its own internal practices, the development of gender aware voter education materials and regulations for the conduct of elections.
- Ensure safety and security of all candidates and voters, especially women.

**Civil society organisations**

Should mount sustained 50/50 campaigns to:

"Strengthen capacities of women and men to take up leadership roles

- i) Train women and girls in leadership.
- ii) Develop mentorship programmes for girls and young women.
- iii) Organise training for women and men to participate effectively in local governance.

Advocate for increased participation of women in decision- making

- i) Undertake sensitisation campaigns for women to participate in decision making.
- ii) Lobby for women's participation with selected stake holders through meetings, letters, press statements, focussed group discussions and role modelling.<sup>33</sup>

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<sup>33</sup> Zambia National Gender Policy (2014)

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