



Electoral laws and management

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Women constituted the majority of voters in the 2019 Mozambican elections.

Photo: Alice Banze

KEY POINTS

- Forty-nine of the 54 African countries have independent electoral management bodies (EMBs).
- There have been some efforts to mainstream gender in EMBs. But women make up just 28% of commissioners in EMBs. Few have gender policies or gender management systems
- Electoral laws prescribing certain eligibility criteria, such as requiring a certain level of education, can work against women who often have lower education levels than men.
- Access to sufficient finance and resources for the electoral process is one of the biggest barriers to women entering and participating in political decision-making.
- Linking public funding to gender quotas and imposing spending and contribution limits are a ways of levelling the playing field for aspiring women candidates.
- Violence against women in politics is pervasive but is not explicitly mentioned in electoral laws and codes of conduct. This is a gap that needs to be addressed.

Gender-inclusive elections refer to a context in which women and gender non-conforming people have a right to be legitimate participants in the entire process, whether as voters, aspirants/candidates or as actors in election management and as party activists. The rules and practices must ensure that women and men in all their diversity have an equitable opportunity and support in the entire electoral process, i.e. the pre-election, during the election and post-election periods. Inclusivity means the entire spectrum of electoral practices, including the assurance of a violence-free process as election violence tends to discourage women from bold electoral participation.¹

EMBs, where they exist, issue legally binding regulations, consistent with the law, on voter registration, campaigning, voting, vote counting, complaint procedures, among other issues. These should be crafted to ensure women are not disadvantaged at any stage in the electoral process and to facilitate women's participation.²

Electoral laws define the rules relating to regular elections and electoral processes and principles, including criteria for selecting candidates. Election laws should be clear, comprehensive and transparent. Gender-sensitive election laws should ensure that women are not unfairly disadvantaged. Election laws must comply with national laws on non-discrimination, the equality of women and men.

Table 4.1: Gender dimensions of State obligations in relation to elections³

State obligations on elections	Gender dimensions
✓ Provide for the holding of legislative elections at regular intervals;	✓ Institutionalisation of periodic elections across the continent has increased women's opportunity to access political office and embedded their right to vote.
✓ Establish a neutral, impartial mechanism for the management of legislative elections;	✓ Gender aware EMB play a key role in preventing VAWP and other barriers to participation by women in elections.
✓ Establish an effective, impartial and non-discriminatory procedure for the registration of voters;	✓ Gender aware EMB ensure that women are able to register as voters; that voters receive gender aware education and can exercise their choice freely.
✓ Stipulate clear criteria for the registration of voters, inter alia, age and citizenship;	✓ There are often gender dimensions to citizenship, e.g. men married to nationals being denied citizenship.
✓ Make regulations governing the formation, registration and functioning of political parties;	✓ Political parties play a key role in either facilitating or inhibiting women's political participation.
✓ Establish the conditions for competition in elections on an equitable basis;	✓ Direct and indirect barriers to women's free and fair participation in elections need to be removed.
✓ Provide for and regulate the funding of political parties and electoral campaigns to ensure the promotion of equality of opportunity;	✓ Funding is a key barrier to women's participation. Ensuring that funding is fairly distributed openly and transparently, and that it does not supersede the issues in elections is key to ensuring women's effective participation in elections.
✓ Ensure parties and candidates equal access to government-controlled media;	✓ Persistent gender biases in the media (see Chapter eight) are a key barrier to women's participation. Monitoring media fair play needs to include gender dimensions.
✓ Ensure that voters have a free choice by maintaining the viability of political parties by public funding or free time in the media;	✓ This should include equal access, space and air time for women candidates.
✓ Ensure through national programmes of civic education that the electorate becomes familiar with electoral issues and procedures.	✓ This should include the importance of women's participation in decision-making for the success of democracy.

Source: Commonwealth Secretariat: *Gender Inclusive Elections in Commonwealth Africa*.

¹ Lowe Morna, C. *The Commonwealth 50/50 by 2030: A Draft Guide for Gender Inclusive Elections in Commonwealth Africa* (Commonwealth Secretariat, June 2017)

² UN Women <<https://www.un.org/womenwatch/osagi/wps/publication/Chapter2.htm>> accessed 10 February 2021

³ Lowe Morna, C. *The Commonwealth 50/50 by 2030: A Guide for Gender Inclusive Elections in Commonwealth Africa* (Commonwealth Secretariat, June 2017)

The table 4.1 summarises what the state is obligated to do throughout the electoral process, including developing laws, policies and guidelines which regulate electoral financing and equal access to the media. The column to the right draws out the gender dimensions of each of these

stages. This chapter examines how electoral laws can help or hinder women's political participation; the role of EMBs in ensuring that laws are complied with, and that gender is considered and mainstreamed throughout the electoral process.

Electoral management bodies

Responsible for the management and conduct of elections, EMBs play a crucial role in ensuring that fair, credible elections are held and accepted.⁴ Forty-nine of the 54 African countries have independent EMBs in place or in the making. While legislation defines the scope of work undertaken by EMBs, the internal policies and

processes of EMBs can advance gender quality and encourage women to participate in the electoral process. While the efforts at gender mainstreaming in the EMBs are still patchy nuggets of good practice contribute to a collective wealth of wisdom about what needs to be done to promote gender-responsive institutions.

Developing gender policies

Having a stand-alone gender policy helps to ensure that gender mainstreaming outlives particular individuals who may champion gender causes within the organisation. Ideally, these gender policies should be reflected in the vision and mission of the EMBs. Developing strategic plans that address gender throughout the electoral process and are aligned with relevant electoral legislation will also ensure that EMBs effectively address gender issues.

publicly accessible information on whether NEBE has a similar strategy for the June 2021 election⁵. The restructuring exercise presents an opportunity for NEBE to mainstream gender in its operations and work, notably voter registration and education, ahead of the 2020 elections. The ESP included mainstreaming of gender in media coverage. The training covered the following topics: Basic ethical standards and principles of Journalism; the role of media in elections; the rules of media engagement during elections; Issues in election reporting and coverage; gender considerations in elections reporting⁶.



In 2015, the UNDP coordinated the Election Support Project (ESP), for the National Electoral Board of **Ethiopia** (NEBE), had gender as a stand-alone objective. Gender was also mainstreamed in various components of the project. In 2015, UNDP supported NEBE in the implementation of a gender strategy for the elections that included increasing the proportion of women as voters and candidates. There is no



In its Strategic Plan (2015/16-2021/22) the Electoral Commission (EC) of **Uganda** sites Section 13 (11)(e) of the Public Finance Management Act, 2015, which requires all government entities to draft budgets that are gender sensitive and equity responsive. The Commission pledges to:

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

⁵ The official website and facebook page of NEBE could not be accessed at the time of writing this paper. NEBE's twitter account offered no information on gender mainstreaming in NEBE.

⁶ UNDP, *Election Support Project, Terminal Report*, September 2015, <https://info.undp.org/docs/pdc/Documents/ETH/17-02-2016%20Election%20Support%20Project%20Terminal%20Report%20Revised%20final.pdf> accessed 12 March 2021

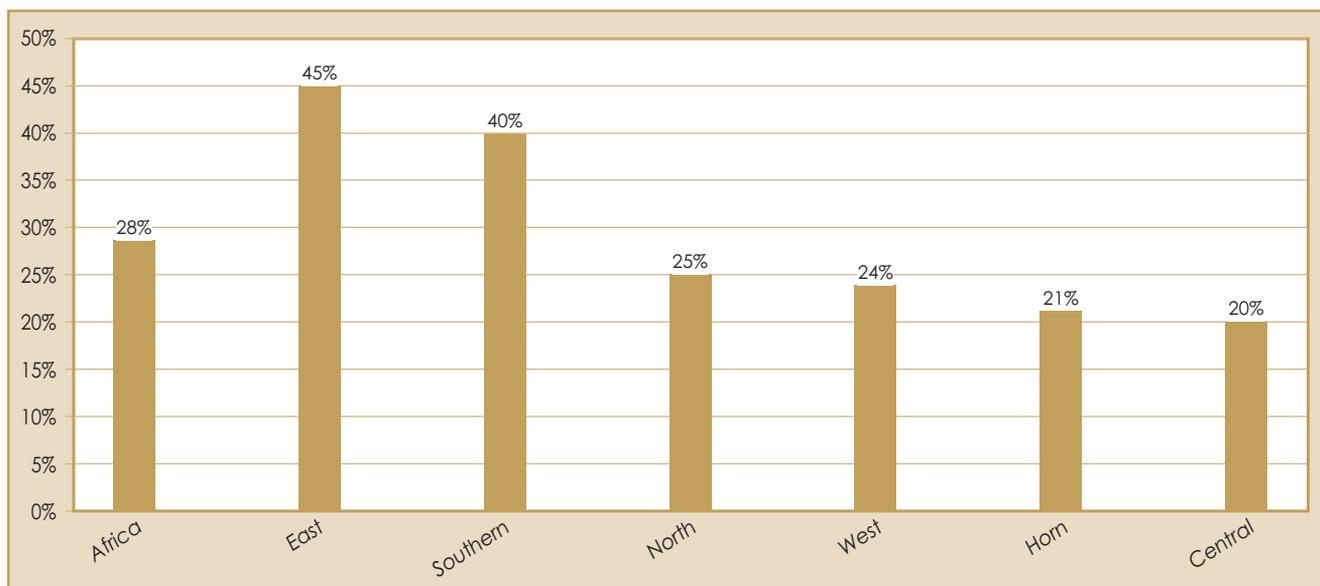
- Develop a Gender Equality and Social Inclusion (GESI) policy recognising and addressing groups that need special protection to make the electoral process more gender sensitive. In September 2019, the EC launched a Gender Strategy in partnership with UN Women. Priority areas include recruiting a senior gender officer to spearhead gender mainstreaming into the Commission and its work; conducting mandatory gender mainstreaming training for the Commission and its staff and appoint gender focal persons for each department and field office.
- Develop voter education and polling materials to encourage more youth and women to

participate in the electoral activities. The gender strategy states that the EC will “work with civil society organisations to deliver specific messages to women and men about the right of women to make their own choices”.⁷

- Create special queues for the older persons, PWDs and pregnant women during registration and polling; and
- Ensure that election observers reports are gender sensitive and inclusive in their observations on gender equality issues. Compliance with this requirement should be a pre-requisite for continued participation or accreditation.⁸

Appointments

Figure 4.1: Women in Election Management Bodies in Africa by region



Source: Compiled by GL with information from 41 EMB websites see Annex 13.

Figure 4.1 shows that for the 41 African countries for which we have data, women's representation in EMBs stands at 28%. East and southern Africa are the best performers with 45% and 40% women commissioners, respectively. **Rwanda** and **Kenya** have specific constitutional requirements on gender balance in public positions. **Namibia's**

Electoral Act states that at least two out of the five Commissioners should be female. In **Sierra Leone**, although there is no legal requirement, from 2011 to 2016, women comprised three out of five commissioners including the Chairperson. At the time of publication, the commission comprised two women and three men.

⁷ Ibid pp.31

⁸ Uganda Electoral Commission Gender Strategy September 2019.



The head of the National Elections Board of **Ethiopia** (NEBE) Birtukan Midekssa, is lawyer and former opposition leader sentenced to life imprisonment on politically motivated charges following the 2005 elections. After receiving a pardon in 2007, she founded and became the Chairperson of the opposition Unity for Democracy and Justice (UDJ) party. In 2008, she was again detained and only released after the 2010 elections⁹. Birtukan had been living in exile until her appointment to head NEBE. Human Rights Watch hailed the appointment as “a step in the right direction.”¹⁰ Birtukan is tasked with undertaking much needed reforms to electoral laws, including gender mainstreaming. NEBE



Birtukan Midekssa.

Photo: BBC

has a gender mainstreaming guideline that is intended to make all its activities gender sensitive. NEBE collects the following sex disaggregate data: women voters; voter turnout; women in parliament; number of women who run for office as candidates.

Table 4.2: Gender Audit of Electoral Commissions in 11 selected African countries (2019)

Country/EMB	Is gender mainstreamed in your EMB?	Gender policy	Gender Focal Points (GFP)	Legal provisions for gender balanced recruitment	No women commissioners/ total	% Women on ECB	Chair M/F
The Commission Electorale Nationale Indépendante CENI, Burundi	No	No	No	None	3/7	43%	M
National Elections Board of Ethiopia (NEBE)	Partially	Gender Strategy supported by UNDP	No	None	2/5	40%	F
Independent Electoral and Boundaries Commission of Kenya (IEBC)	No	No	No	None	3/8	38%	M
Malawi Electoral Commission (MEC)	Yes, but not adequately	Planned	No	None	5/7	71%	F
Mozambique Comissão Nacional de Eleições (CNE)	Partially	N/A	No	None	2/17	12%	M
National Electoral Commission of Tanzania (NEC)	Yes but inadequately	In progress	Yes	No specific legislation	2/6	33%	M
Zanzibar Electoral Commission (ZEC)	Yes but inadequately	Yes	Yes	No specific requirement	0/7	0%	M
National Independent Electoral Commission (NIEC) Somalia	Partially	Not yet	No	No	2/9	22%	F
Electoral Commission of Uganda (EC)	Yes but not adequately	No	No	Guidelines for inclusion of people with disability	3/7	43%	M
Electoral Commission of Zambia (ECZ)	Yes, but inadequately	Yes	Yes	None	2/5	40%	M
Zimbabwe Electoral Commission (ZEC)		Yes	Yes	Yes (Article 17 of the Constitution)	3/8	38%	F
TOTAL		5/11	4/11		28/86	32%	36%

Source: Gender Links and Commonwealth Africa Gender and Elections Handbook 2018.

⁹ Human Rights Watch, 'Making Ethiopia's electoral board independent', 22 November 2018 <<https://www.hrw.org/news/2018/11/22/making-ethiopia-s-electoral-board-independent>> accessed 12 March

¹⁰ ²⁰²¹ Ibid

As reflected in Table 4.2, in the 11 African EMBs reviewed:¹¹

- All said that gender was mainstreamed but not “adequately”. Four EMBs said that gender was mainstreamed to a large extent.
- Five out of 11 or slightly more than one-third of the EMBs said they had a gender policy (Ethiopia, Tanzania, Zanzibar, Zimbabwe and Zambia). Malawi said it planned to develop a gender policy.
- Four out of 11 or one-third of the EMBs said they had gender focal persons (Tanzania, Zanzibar, Zimbabwe and Zambia).

- There is no legislative requirement to achieve gender balance, except in Zimbabwe, where Article 17 of the Constitution requires gender balance in all decision-making bodies.
- Women lead four of the 11 electoral commissions (32%). These are Somalia, Ethiopia, Malawi and Zimbabwe. Overall, women constitute 36% of elections commissioners in the EMB. This ranges from 71% in Malawi to none in Zanzibar.

Gender Management Systems

One-third of the EMBs have either appointed a Gender Focal Person (GFP) or have a committee responsible for gender issues in the organisation. It is important to take this a step further by ensuring that gender is reflected in the job descriptions and performance agreements of senior staff and the specific terms of the GFP. It is crucial that EMBs have gender expertise, gender awareness and capacity building programmes,

and budget allocations for mainstreaming gender through their work. This must include collecting and analysing sex-disaggregated data on voter registration; voter turn-out; candidates (especially where there are TSM); and staffing data. While the efforts at gender mainstreaming in the EMBs are still patchy at best (non-existent at worst), nuggets of good practice show what needs to be done to promote gender responsive institutions.

Namibian Electoral Commission walks the talk of gender equality

The formulation of the Gender policy at the Electoral Commission of Namibia (ECN) has enjoyed priority and special effort for the following reasons:

Firstly, men and women's equal rights to fully participate in all aspects of political, economic and social life and non-discrimination are fundamental human rights principles. As such, it is the EMB's responsibility and obligation to comply with human rights principles, including international Declarations and Protocols ratified by the Republic.



Advocate Notemba Tjipueja.

Secondly, women make up more than 50% of the Namibian population. The country will not be considered democratic if women are excluded from full and equal participation in political, economic, social, electoral and decision-making processes.

Thirdly, Women often have different experiences, different needs and different perspectives than men. Therefore, it is essential and practical to involve women and draw on their experiences to ensure a more representative society.

¹¹ The Commonwealth 50/50 by 2030: Handbook for Gender Inclusive Elections in Commonwealth Africa, 2017

Fourthly, it makes economic sense because the EMB believes that gender equality leads to more prosperous societies. The EMB's budget is financed with public funds and therefore, the EMB has the responsibility to all the citizens of the country to manage and equitably spend the public funds.

The ECN has led by example in terms of women representation. The Electoral Act prescribes that at least two out of five Commissioners must be women. At present, women make up 40% of commissioners, and for the first time in the history of the EMB, the Chairperson of the Commission is female. This is a classic example where the legislation has a clear positive impact on women representation, as demonstrated in Commissioners of the EMB.

The ECN has put in place a process of identifying voter registration points to ensure unimpeded access to voter registration centres. The ECN also has a process whereby Mobile Teams and Fixed Points are assembled to reach all groups of people.

The Electoral Act makes provision for provisional voter's registers' display during a prescribed objection period to enable the public to scrutinise the temporary register for any irregularities before a final register is produced.

The ECN has a process to identify places where the provisional registers are displayed and safeguarded during the objection period. One of the criteria for identifying the places for displaying the registers is their accessibility to

all voters. By law the EMB advertises a list of the identified places where the voters' register are shown in the local newspaper. The ECN also displays the list of these places at prominent public places to ensure that the public is made aware of the identified places.

It is a standing policy of the ECN that where standing in queues is required, the ECN ensures that priority is given to women with special needs such as expectant and breastfeeding women, men and women who are elderly/aged and with disabilities regardless of their age or gender.

The necessary assistance for people with disabilities to participate in the voters' registration is rendered, and access to information is provided in close coordination with organisations that offer support for people with disabilities.

The ECN has introduced a biometric system to capture voter registration data that can disaggregate sex and age data. In the future, the system will be used to compile voters and candidates' needs through the voter registration process and analysed from a gender perspective. Such information will guide the ECN in developing the relevant voter and civic education and the appropriate means of disseminating the voter education information. The process of conducting the voters' registration exercise involves and is undertaken by both women and men.

Excerpts from the paper by ECN Chair Advocate Notemba Tjipueja at the Commonwealth Secretariat consultative meeting on gender and elections in Africa: 7 July 2017.

Electoral systems and legislative reforms

Although it is the legislature and the executive's job to initiate legislation, EMB's can support changes in legislation. This might also involve leadership and support in legislating for electoral procedures that do not discriminate against women. It must ensure that all agencies involved in elections - including, for example, police

investigating electoral malpractice - are trained to respect women's rights and provide sufficient resources to election management bodies. Additionally, it must enable them to implement gender-related programmes. EMBs can also use their experience from elections to provide evidence for electoral and legislative reform.



A Baseline Study on Gender Equity in the Electoral Process in Zimbabwe conducted by the Zimbabwe Electoral Commission

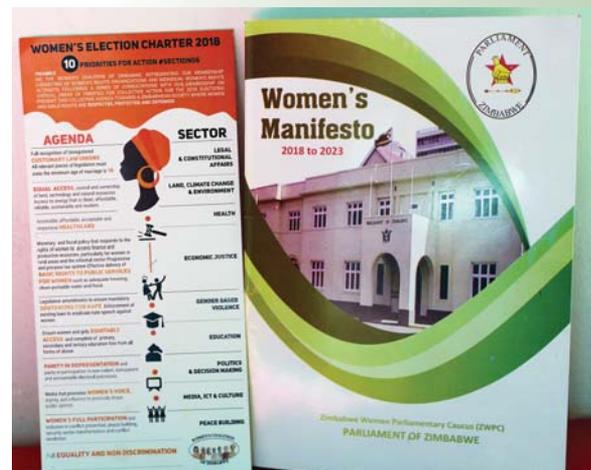
(ZEC) 2017 found that “Zimbabwe's Political Parties Finance Act currently does not have a provision on campaign financing that would increase the participation of women and the youth, for example, as candidates, nor does the Act stipulate how the internal functioning of political parties should be transparent, democratic and gender-responsive. The participation of women as key office bearers in the political parties is minimal and the issues of gender were never raised in the ZEC-political parties' consultative forums held in the run-up to the 2018 elections. The electoral regulations, codes and guidelines, and the law that governs the financing of political parties, are two areas for legal and policy reforms moving forward.”¹²

The Zimbabwe Electoral Amendment Act 2018 includes the following key provisions for promoting gender equality in elections:

- Ensuring that gender is mainstreamed into electoral processes;
- Ensuring that at least half the assessors in the Electoral Court are women;
- Providing adequate, accurate, *gender sensitive* and unbiased voter education;
- Addressing any other factor that has a bearing on gender equality and elections, or in the conduct of the polling at the election;
- Including one person nominated by the Minister responsible for Women's affairs, gender or community development in the election observer accreditation committee.
- Mainstreaming gender in political party practices (see political parties).

In compliance with Act Zimbabwe Electoral Commission (ZEC) has taken several steps, including:

- Developing and adopting a gender policy.
- Appointing a gender focal person in the head offices and each of the ten provincial offices.
- Inclusivity as a core value of the ZEC strategic document 2020-2024. Gender stands alone and cuts across other areas of inclusion such as disability and youth.
- Conducting a Gender Baseline Study ahead of the 2018 elections to assess the gender dimensions of citizens' participation in the electoral process. ZEC mounted several specific gender initiatives based on these findings. For example, ZEC took several measures to ensure that women were not disenfranchised as voters or discriminated against in standing as candidates. The use of affidavits was introduced to prove residence during the voter registration exercise, so that women could register. Nomination courts were instructed not to insist on marriage certificates for women candidates, unless women wanted to be nominated using their married name. Institutionalising such measures in its regulations and guidelines is important to ensure that such procedures are not 'one-off' actions.¹³
- Offering gender training to ZEC staff, commissioners and partners.



Zimbabwe Women's Election Charter & Women's Manifesto, 2018. Photo: Tapiwa Zvaraya

¹² Ibid

¹³ The Zimbabwe Electoral Commission, *Voice, Choice and Access to Information: Baseline Study on Gender Equity in the Electoral Process in Zimbabwe* (ZEC 2017)

Voter registration

A key function of EMBs is to register voters. Where individuals are required to register in person, the process should be well publicised, employing channels of communication most likely to reach women voters; registration stations should be easily accessible; and the procedures made quick and simple. Attention should be given to registering displaced persons. To accommodate

women's dual roles at home and in the workplace, the EMB can invest in mobile registration units (this has been done in Uganda and South Africa). Where there is potential discrimination against naturalised citizens, for example, the foreign husbands of women in the country undergoing the election, the EMB must be prepared to uphold their rights.



Before each electoral campaign, the **Senegal** Independent National Electoral Commission (CENA), which controls and supervises the whole electoral operation, informs women and men on the registration process and how the elections will be held. CENA is represented by an electoral departmental and autonomous committee (CEDA).

Each CEDA has five members named by the president of the CENA. By law, every citizen must be informed about the registration process, explains Mame Yacine Camara Lakh, a member of the CENA. “The law in itself does not prevent in any manner whatsoever somebody to vote for a political party who is presenting women candidates in leadership positions. If on the cultural and national front, there is acceptance regarding improvements of the status of women, there are still barriers preventing them to access decision making positions. As a pretext, we are told that with the weight of their spouse and mother's roles, they will not have the time to manage all the responsibilities linked to the decision-making positions,” she noted in an interview for this research.

Lakh adds that the electoral code gives information about the voting process, the places to go to vote and the voting time, etc. This code is not translated in languages and formats accessible to all women and men and those living in remote areas of the country. But during the registration on the electoral lists, the CEDA call for interpreters in order to speak the language of each citizen. Voter registration is done each year from February to June, even if there is no election scheduled that particular year. This exercise is done in places that are safe and easily accessible to women like municipalities or public offices and happen between 9 am to 6 pm.



Mame Yacine
Camara Lakh.

The electoral law allows for electoral mobile caravans which can be deployed in markets situated in rural areas so as to facilitate the registration of women. This process of registration of voters caters for all voters, whatever their level of literacy, including functional literacy. If a voter speaks a language other than the Wolof, they will be put in contact with an official who speaks the vernacular. “The electoral code has been done in such a way as to cater for everyone's needs,” Lakh stressed.

Sex disaggregated data

A key task of EMBs is to gather and make available sex-disaggregated data. While this is not always immediately available on the websites of EMBs, WROs are becoming more adept at gathering and using such data.



For example, A **Ugandan** WRO commented that “the disaggregation of some EC data by sex is commendable: The data especially of nominated candidates was clearly disaggregated by sex. It is easy to know where women are and points to areas of entry. This should be scaled up to embrace all EC data.”¹⁴ They also commended “women's increased interest and participation in the elections as candidates, voters, election managers and mobilisers. Qualitative findings revealed that more women are becoming more interested in the electoral process as voters, candidates, election officials and political party agents and mobilisers compared to the past elections. In the 2016 election campaigns, more women attended campaign rallies in comparison to the previous elections. They were enthusiastic about campaign promises of the different candidates.”¹⁵ The importance of the woman vote is underscored by political parties perceiving they have to reach out to women for votes: “There is an emerging reality that women's groups are becoming an important factor in the electoral contest. Candidates attested to the fact that women's groups were a key facet in their campaign journey. 'You have to reach out to women's groups if you have to win the vote of women' was the testimony of majority of candidates.”¹⁶



Mozambique's Electoral Commission (CNE) keeps sex-disaggregated data. In the 2019 elections women comprised 6,910,388 (53,5%) voters compared to 6,035,533 men (46.5%). The CNE made it a point to publicise



these sex disaggregated statistics to demonstrate the power that women have in elections.



In **Madagascar** disaggregated data for the local government elections for the 21,279 local councillors was not available in past elections, making an assessment of women's representation at this level of government almost impossible. As part of the 50/50 campaign in Madagascar Gender Links was able to get the national election management body (CENI) to disaggregate election data from the 2019 local elections, providing, for the first time, reliable data on women's representation in local government.



The **Zimbabwe** Electoral Commission 2018 Harmonised Elections report recorded voters by age group and gender. Election results in all their different categories are also broken down by gender. The report provides a clear explanation of the PR seats reserved for women in the National Assembly and the “zebra” system applied to the PR senate seats.

¹⁴ Uganda Women's Network, *Mapping Positive Trends and Persistent Deficits in 2016 General Elections* (UWONET, 2016) <<https://www.uwonet.or.ug/download/women-in-ugandas-electoral-processes-mapping-positive-trends-and-persistent-deficits-in-2016-general-elections-2016/>> accessed 12 March 2021

¹⁵ Ibid

¹⁶ Ibid

Voter education

EMBs have a key role to play in voter education: “Their role is not to explain or defend the policies, manifestos or platforms of the various political parties and independent candidates, but rather to educate the population on how to enrol, how to cast a ballot correctly and why it is important to participate in this democratic process.”¹⁷ Well designed, gender-sensitive voter information and civic education programmes should be deployed, with the specific goal of increasing women's participation. The UN Women Manual for EMB's notes:

When creating voter outreach material, attention should be paid to avoiding

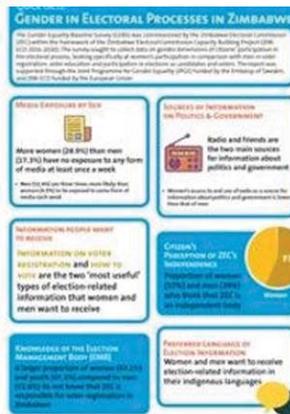
subliminal messaging. For instance, a poster showing only male voters may give the message that only men vote. Outreach materials should show women of all ages participating in every task and every role - as registration and polling staff, as observers and security forces, as registration applicants and as voters. With respect to gender equality there are two very important messages to be communicated: first that women have the right to vote and stand for election and that their participation often needs to be encouraged; and second, that the ballot is secret- no one else needs to know how an individual's vote has been cast.¹⁸



Ahead of the 2018 elections, the **Zimbabwe Electoral Commission**

conducted a study: *Voice, Choice and Access to Information: Baseline Study on Gender Equity in the Electoral Process in Zimbabwe*¹⁹. The research examines whether there are gender gaps in women's and men's participation in the electoral processes and their access to election-related information that helps them exercise their rights as informed citizens. It further looks at the various barriers to citizens' participation in elections and electoral processes. It assesses whether women and men are willing to vote for women as candidates at the national and local government levels. Key findings included:

- A larger proportion of women (28.9%) than men (17.3%) have no exposure to any form of media at least once a week.



- Men (12.4%) are three times more likely than women (4.5%) to be exposed to some form of media each week.
- A larger proportion of women (47%) than men (33%) had not heard of the ZEC.
- Women are four times more likely than men to be assisted as voters.
- A larger proportion of women candidates (74%) than men (64%) said they were not interested in participating in elections for fear of violence.
- 64% women and 59% men said they would vote for a woman presidential candidate.
- Over 80% of women and men said they would vote for women parliamentary candidates and councillors. Reasons cited included representation; loyalty; “peace loving” and “knowing community needs.”
- Among the report's recommendations is a study of the effect of GBV on women's participation in elections.²⁰

¹⁷ UNWomen/UNDP, *Inclusive Electoral Processes: A guide for Electoral Management Bodies on Promoting Gender Equality and Women's Participation* (2015), pp. 93

¹⁸ *Ibid*

¹⁹ Zimbabwe electoral Commission, *Voice, Choice and Access to Information: Baseline Study on Gender Equity in the Electoral Process in Zimbabwe*, (ZEC, 2017)

²⁰ *Ibid*

Candidate eligibility

Eligibility criteria may affect women candidates, especially in the FPTP system in which elections focus far more on individual candidates than in the PR system. Some examples of eligibility criteria and their potential impact are as follows:



One of the criteria for candidacy for all levels of Government in **South Sudan** is to be literate. Due to long-standing conflict, the provision of education has been severely compromised. UNESCO states that the adult literacy rate is 35%, with women having a lower literacy rate (29%) compared to men (40%).²¹ The low levels of literacy amongst women could affect women's participation in the elections. The literacy criteria may need to be reviewed to facilitate women's participation.



As a citizen of **Uganda** and a registered voter, to qualify to be a candidate for parliament, a person must have completed a minimum formal education of Advanced “A” Level standard or its equivalent²². This requirement could deter women candidates, as women in Uganda generally have lower education levels than men. “A” level is a pre-university entry requirement. Only a small percentage of the population goes on to “A” level after the Ordinary or “O” level school certificate.



In **Zambia**, the eligibility criteria could unfairly disadvantage women in the electoral process in the following ways:

- **Nomination fees for candidates:** Article 71 of the 2016 Constitution²³ 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 USD 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 of the campaigns.²⁴

- **Academic qualifications:** Article 70 of the 2016 Constitution²⁵ says that any candidate must have a minimum educational 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). According to Beauty Katebe, Board Chairperson, Zambia National Women's Lobby Group (ZNWL), “This new law disqualified 95% of the 630 women that the ZNWL had built capacities for local government leadership for the previous 3 years. They could not qualify to contest elections because they did not have the grade 12 certificate. The ZNWL managed to lobby political parties to adopt other women to replace those that were disqualified and dropped out of the election race. However, there was no time to train women in leadership skills.”²⁶
- **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 women's participation as candidates. The EFM would recommend further evaluating the possible impact of this decision on women's participation.”²⁷

²¹ Countryeconomy.com, *South Sudan literacy rate* <<https://countryeconomy.com/demography/literacy-rate/southsudan#:~:text=Literacy%20rate%20increase%20in%20South,big%20gap%20between%20the%20sexes>>, accessed 10 February 2021

²² Uganda, Constitution Amendment Act, No.2, 2005

²³ Government of Zambia, Constitution of Zambia (Amendment) No. 2 of 2016, Section 71

²⁴ IPU Parline accessed from <http://archive.ipu.org/parline-e/reports/2359.htm> on 05/09/2019

²⁵ Government of Zambia, Constitution of Zambia (Amendment) No. 2 of 2016, Section 70

²⁶ Lowe Morna, C. *The Commonwealth 50/50 by 2030: A Draft Guide for Gender Inclusive Elections in Commonwealth Africa* (Commonwealth Secretariat, June 2017)

²⁷ European Union External Action Service, *Election Follow-up Mission (EFM) to the Zambia 2019* (EEAS, 2019) <https://eeas.europa.eu/sites/eeas/files/efm_zambia_publication_july_2019_o.pdf>

Where there is a minimum age eligibility requirement this may prevent young aspirants from entering politics, which some may view as unjustified age discrimination.



In general, it is the socio-cultural burdens and the lack of financial means that prevent women from standing as a candidate in the **Central African Republic**. But there is also the age factor. One must be at least 35 years old to stand as a candidate for the presidential election and 27 years old to stand as a candidate at the legislative election. Age eligibility criteria is a problem for the young Abial Albertta. “This is a stereotype. Even though I am 27 years old, people believe that I have no experience and that I am not mature enough to become a parliamentarian. In fact, I coach young people so that they become entrepreneurs”, says Alberta, who will stand as a candidate in the constituency Bimbo 1, a commune close to the capital city Bangui.

Electoral financing



Money is essential to participating in politics and is a factor throughout the electoral process, from nomination to campaigning and reaching constituents.

Research shows that a lack of funding is one of the primary barriers to women's participation in politics.²⁸ With increasingly large amounts of money required for election campaigns, unequal access to finance and resources creates an uneven political playing field. Political parties and candidates need access to funds to play their part in the political process. However, the role of money in politics is arguably the biggest threat to democracy worldwide today. It has become a tool to unduly influence the political process by “buying” votes or influencing political decisions.²⁹

“Women's lower socio-economic positions in most countries mean that they may lack economic independence to pursue a political career. Gender socialisation roles, which position men as the 'breadwinners', mean that men are more accustomed to raising funds for their own use, while women have been traditionally relegated to the private sphere.”³⁰ Women also lack access to moneyed networks and credit and political clientelism.³¹ Women's inability to pay even candidate registration fees can exclude them from the election process, let alone having sufficient funding throughout the electoral process, including money to transport potential voters to rallies, feed them, print t-shirts, fliers, paying campaign teams, among others.

Funding to support women in public life is limited and needs to increase if women are to have equal opportunities to participate and engage in decision-making. Legislation regulating political finance can help or hinder women's political representation in decision-making.



The cost of running for a National Assembly seat in **The Gambia** is high. This is driven by patronage networks and constituent expectations that extend to a candidate's time in office. The result is that many women and young people are excluded from the process due to their lack of access to funds or financial backers. The increase in cost may also lead to a situation where elections become money-dominated. This is a concern as the Gambia seeks to rebuild credible democratic institutions after more than two decades of dictatorship. There is no legislation to regulate the electoral expenses in the country. Even if the candidates must submit audited accounts to the independent electoral commission, the scrutiny and enforcement is limited. Sait Matty Jaw says that “it is certainly true that the current high costs involved with

²⁸ Ballington, J and Kahane, M., *Women in politics: financing for gender equality* in Funding of Political Parties and Election Campaigns: a Handbook on Political Finance, Elin Falguera, Samuel Jones and Magnus Ohman, eds. (Stockholm, International Institute for Democracy and Electoral Assistance, 2014) pp. 300-343.

²⁹ Leterme Y., *Funding of Political Parties and Election Campaigns: a Handbook on Political Finance*, Elin Falguera, Samuel Jones and Magnus eds. (Stockholm, International Institute for Democracy and Electoral Assistance, 2014), pp.V

³⁰ Ballington, J and Kahane, M., *Women in politics: financing for gender equality* in Funding of Political Parties and Election Campaigns: a Handbook on Political Finance, Elin Falguera, Samuel Jones and Magnus Ohman, eds. (Stockholm, International Institute for Democracy and Electoral Assistance, 2014) pp. 304.

³¹ Ibid pp.308

seeking public office inhibit youth and women's participation in politics. Just five of the 58 elected members of the National Assembly are women. High costs have the potential to undermine broader public participation in the democratic process... the relationship between parties and voters must be redefined to make voting based on merit. This will require continuing civic education about the roles and responsibilities of political parties, parliamentarians and the state.”³²



Electoral spending has risen so much during each national election in **Mauritius** that it constitutes a serious impediment to women's and young people's participation in politics. Roukaya Kasenally and Ramola Ramtohol, authors of “The Cost of Parliamentary Politics in Mauritius” noted that the party manifestos are more based on clientelism as time goes by on convictions and ideology. The Representation of People's Act of 1958, which regulates the elections, stipulates that a party candidate cannot spend more than Rs 150 000 (USD 3600) during the whole campaign and for an independent candidate the limit is Rs250 000 (USD 6500). However, the real amounts of spending exceeds these limits and go undeclared. “Giving a legal status to political parties outside election time can help to raise the opacity veil and the secret which surrounds electoral spending. This could be a first step toward creating a culture of transparency and accountability in the political parties”, they write in their report.³³ They also believe that authorised spending gap by the law and real spending must be urgently tackled by Electoral Commission and the Electoral Supervisory Commission's capacity building.

Increased electoral spending is also motivated by the voters' demands and expectations, the poorer ones seeing elections as a way to bargain their votes and play one party against another to obtain more money. The Kasenally and Ramtohol

believe that vote-buying depends on the constituency and the struggle between the candidates, and they estimate that this figure is between Rs 5 000 (USD 132) and Rs 10 000 (USD 264). A whole family can obtain up to Rs 100 000 (USD 2 600) to sell its vote.³⁴

Contribution and spending bans or limitations for political parties and candidates are intended to regulate the cost of campaigns and ensure that candidates and parties with more access to resources are not unfairly advantaged. Unfortunately these provisions are often not complied with.



The Election Expenses Act 2010 is the specific legislation governing campaign financing in **Tanzania**. The Act provides for the regulation of maximum spending and fundraising. Amounts exceeding one million Tanzanian shillings (USD 6,300) for individual donors or two million Tanzanian shillings (USD 12,600) for donor organisations must be disclosed. Each political party is required to open a special election expenses account to deposit donations and pay expenses. The only reference to women is under *Election Expenses Regulations*. This states that women coming through special seats should comply with the requirement to disclose funds and sources of funds as stipulated in the Act and Regulations. In reality, it is unlikely that women on the special seats receive any individual political party funding, as their names are submitted in a list to the electoral commission. There is no requirement that parties ensure equal funding for women and men candidates in the openly contested FPTP seats. This is very important for encouraging women to venture beyond the reserved PR seats into the openly contested seats.



In **Malawi** political parties must declare finances exceeding one million kwacha (approximately USD 1,600) if coming from an individual

³² Matty Jaw, S, Gai, B and Sillah, N., *The Cost of Parliamentary Politics in The Gambia* (WFD and DFID, 2020)

³³ Kasenally, R and Ramtohol, R., *The Cost of Parliamentary Politics in Mauritius* (WFD and DFID, 2020)

³⁴ Ibid

and two million (approximately USD 2,600) if from an organisation. The Act also prohibits hand-outs 90 days before elections but allows for campaign materials. There is much confusion about the two stipulations. Most candidates neglect the law. In the 2019 elections, the ruling party distributed bicycles as “campaign materials” 28 days before the elections.³⁵ Such trends affect women more than men, as they do not have resources to match these handouts.

Linking public funding to gender targets: Many countries in Africa have adopted regulations that either incentivise women candidates' nomination or reduce funding available for non-compliance with such provisions. In **Algeria** political parties can be awarded specific state funding according to the number of their women candidates elected

at the national and sub-national levels.³⁶ In **Mali** ten percent of the available funds are earmarked for parties with elected women officials.³⁷ In **Cabo Verde** public funding is awarded only to those political parties, coalitions or groups of citizens whose lists presented for municipal elections contain at least 25% women candidates.³⁸ In **Kenya**, political parties are not entitled to receive funding from the Fund if more than two-thirds of its registered office bearers are of the same gender.³⁹ In **Guinea** 5% of state funding for political parties is proportionally distributed to parties that have elected women MPs and in communal-municipal councils.⁴⁰ In **Burkina Faso** parties that do not nominate at least 30% of either gender lose half of their public funding entitlement.⁴¹ **Togo** reduces the cost of application forms by women candidates by 50%.

Table 4.3: Provisions on financing linked to gender quotas

Country	Provisions on financing linked to gender quotas	%W 2000	%W 2020	Change
Algeria	Political parties can be awarded specific state funding according to the number of their women candidates elected at the national and sub-national levels (Article 7). ⁴²	8%	26%	18%
Burkina Faso	If a political party fails to meet the quota requirements, its public funding for election campaigns will be cut by 50% (Article 5). If a party reaches or exceeds the 30% quota, it will receive additional funding as prescribed by the regulations related to political parties' public funding (Article 6). If a party reaches or exceeds the 30 % quota, it will receive additional funding (Law on Quotas, Article 5 & 6). ⁴³	8%	6%	-2%
Cabo Verde	Article 431 (2) of the electoral law states that 'public funding will be awarded only to those political parties, coalitions or groups of citizens whose lists presented for municipal elections, if elected, contain at least 25 per cent women candidates'. ⁴⁴	11%	26%	15%
Guinea	Article 4 of the law for the political parties states that 5% of the total state funding for the political parties will be proportionally distributed to the parties that they have elected women MPs and in communal-municipal councils. ⁴⁵	8%	17%	9%
Kenya	The Political Parties Act 2011 states that a political party shall not receive funding from the fund if more than two-thirds of its registered office bearers are of the same gender [Article 25(2) (b)]	4%	22%	18%
Mali	10% of public funding is proportionately shared among political parties which have women elected as deputies or municipal councillors 5% of the amount is for female members of the National Assembly and the other 5% for female municipal councillors. ⁴⁶	12%	27%	15%
Togo	The allocation mechanism for public party funding rewards successful female candidacy: (i) 70% are attributed based on the share of votes in preceding elections; (ii) 20% are determined by the number of women elected for the party in the previous legislative elections; and (iii) 10% by the number of women elected for the party in the last local elections. The cost of application forms for parliamentary and local elections has been cut by 50% for women candidates, and political parties that meet parity on their lists are entitled to bonuses.	5%	19%	14%

Source: International IDEA gender quotas database and Gender Links.

³⁵ Gender Links, *Malawi 50/50 Policy brief* (2020) Unpublished

³⁶ Algeria: Loi organique n° 12-03 du 12 janvier 2012 fixant les modalités augmentant les chances d'accès de la femme à la représentation dans les assemblées élues.

³⁷ Government of Mali, Loi N° 05-047/ DU 18 Août 2005 Portant Charte Des Partis Politiques

³⁸ Government of Cape Verde: Electoral Law No 56 /VII/2010

³⁹ Government of Kenya, Political Parties Act, no 11 of 2011

⁴⁰ Government of Guinea, Law Regulating Public Funding for Political Parties (no date)

⁴¹ <https://www.idea.int/data-tools/data/gender-quotas> (country pages accessed 9 February 2021)

⁴² Algeria: Loi organique No 12-03 du 12 janvier 2012 fixant les modalités augmentant les chances d'accès de la femme à la représentation dans les assemblées élues.

⁴³ Government of Burkina Faso Law no. 010-2009/AN of 16 April 2009 on Quotas for Legislative and Local Elections

⁴⁴ Cape Verde: Electoral Law N° 56 /VII/2010

⁴⁵ Government of Guinea, Law Regulating Public Funding for Political Parties (no date)

⁴⁶ Trans-Saharan Elections Project, Gender and representation in Mali <<https://tsep.africa.ufl.edu/gender-quotas-and-representation/mali/>> accessed 12 March 2021

Table 4.3 shows that in all the countries where public funding is linked to women candidates (except Burkina Faso) women's representation has increased between 9% and 18%. The limited success of such measure may lie in the fact that such provisions are not enforced and that in many countries, public funding is inadequate and not much of an incentive or will only apply to parties that are heavily reliant on public funds.



In Ethiopia in 2015, the government allocated Birr 30 million (USD 1.5 million) to support contending political parties in their election campaigns⁴⁷. The UNDP-coordinated Election Support Project (ESP) facilitated a platform for political parties to discuss and understand the allocation formula of this fund. The political parties

reached the consensus to allocate the fund on the 40:35:15:10 ratio. The 40% was shared based on seats in the parliament and state councils; 35% on the number of candidates registered by the respective parties; 15% on the number of women candidates fielded, the remaining 10% equally distributed to all 57 contending parties. The forum provided contending political parties with the opportunity to reflect and provide inputs and comments on the draft allocation formula. The agreement reached by political parties to specifically allocate funding for women candidates from all parties is an important precedent and good practice that should be replicated in the 2021 elections.⁴⁸ Overall, there is a need for further enquiry into the direct correlation between access to finance and resources and women's political participation.

Security - Violence Against Women in Politics (VAWP)⁴⁹



Protesting violence against women in politics, Flacq Mauritius.
Photo: Anushka Virahswamy

Violence against women in political life is any act, or threat of, gender-based violence, resulting in physical, sexual, psychological harm or suffering to women, that prevents them from exercising and realising their political rights, whether in public or private spaces. This includes the right to vote and hold public office, vote in secret and freely campaign, associate and assemble, and enjoy the freedom of opinion and expression.⁵⁰

A 2020 report of the Secretary-General on *Women's full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls*, in preparation for the Commission on the Status of women (CSW), highlights the issue of pervasive violence against women in politics.⁵¹ It notes that "Violence and harassment against women in public life is a human rights violation. It has seemingly increased as more women have gained access to power. Perpetrators intend to stop women from accessing power and silence them to limit their perspectives in policy formulation. Women politicians have been killed in office and left their positions after receiving death threats or withdrawn from elections citing abuse."⁵²

Electoral violence can affect women's participation as voters, candidates, election officials, activists,

⁴⁷ UNDP, *Election Support Project, Terminal Report*, September 2015, pp10

⁴⁸ Ibid

⁴⁹ We are using the term violence against women in politics (VAWP) as it is broader than the term violence against women in elections (VAWIE) which is used in other literature.

⁵⁰ UN Women and UNDP, *Preventing Violence Against Women in Elections: A programming guide* (2017), pp. 23

⁵¹ United Nations, *Women's full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls*, in preparation for the Commission on the Status of women (CSW) 2020. E/CN.6/2021/3

⁵² Ibid, pp. 11

and political party leaders, and it undermines the free, fair, and inclusive democratic process. International Foundation for Electoral Systems (IFES) research on violence against women in elections⁵³ found that:

- There is a lack of knowledge and data about VAWIE.
- There is a gender bias in current data collection, research, and programming efforts related to electoral violence.
- Women experience different types of violence in other spaces than men.
- There is often an existing relationship (e.g. familial, social, hierarchical) between perpetrator and survivor when women experience violence in elections.
- There is a lack of programming to address VAWIE specifically.

“ I have had sexual propaganda against me from those who had wanted to demoralise me and throw me off from political engagement. It has been a psychological torture to tolerate such humiliation. ”

Zainab Athman Katimba, MP Tanzania

Despite the rising levels of violence against women in politics, few parliaments have a sexual harassment policy. While most electoral laws and regulations prohibit violence and intimidation during the electoral process, they do not have specific provisions addressing VAWP in particular.



In **Burundi**, several provisions of the electoral law⁵⁴ aim to prevent violence in general. However, there is no election Code of Conduct or prohibition of gender discrimination or gender-based violence. Sexual harassment is not clearly defined in the electoral act but is a federal offence under the Constitution. The Electoral law does not include specific actions to ensure gender is

effectively mainstreamed into the post-election phase. In 2015, the elections in Burundi were marked by a political crisis including numerous police arrests. Part of the population fled the country. This insecurity explains women's reluctance to go into politics, particularly if they are activists for the opposition parties. Kathy Kezimana, a woman activist in the main opposition party, the National Liberation Congress (CNL) was arrested and imprisoned for “inducement to insurrection” after campaigning for the opposition candidate Agathon Rwasa.⁵⁵ The Constitutional Court later cleared her name. She stood as a candidate and was elected. She is now a parliamentarian.



Article 29 of the **Somalia** National Electoral Bill (2018) provides that:

- Meetings and meetings of the parties taking part in the campaign shall not be allowed to carry weapons, military garments or similar, except for the security forces.
- Exclusion of the Somali society's disturbing rhetoric is troubling and disrupting the culture, religion, peace, and public interest of the Somali people.
- The party is prohibited from campaigning for a clan, religious, and regional matters.

There is no specific recognition of gender discrimination or gender violence in elections, and there are no specific measures to address these. The gender blindness of the Somali National Electoral Bill is a concern but also an opportunity for proposing gender aware language before this bill passes to law.



Zambia's Electoral Code of Conduct contained in the Electoral Process Act 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”.⁵⁶ The Constitution Amendment Act

⁵³ IFES, Violence Against Women In Elections: A Framework for assessment, monitoring and response, (IFES, 2017) pp.4

⁵⁴ Electoral Law of Burundi

⁵⁵ VOA News, ‘Burundi Opposition Leader Says Party Members Attacked in Run-up to Elections’ 8 May 2020 < <https://www.voanews.com/africa/burundi-opposition-leader-says-party-members-attacked-run-elections> >

2016, Article 45 (2)(b) commits to elections that are free from violence, intimidation and corruption⁵⁷ ; Article 60 (3)(b) prevents political parties from engaging in or encouraging violence or intimidation of its members, supporters, opponents or other persons.⁵⁸ 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. There were reports of women candidates being beaten, intimidated and even stripped naked. The explicit recognition and mitigation of VAWE in electoral laws is an important consideration.

“Truly, it is not easy for a woman to do politics in Burkina Faso”

Assita Ouattara from Péni in Burkina Faso says that in 2014 when she had just been elected as parliamentarian under the former political party in power, the Congress for Democracy and Progress (CDP) she and some of her fellow party members got caught up in the popular insurrection. “It was a terrible and difficult moment to go through. After the President Blaise Compaoré stepped down, our houses were ransacked and burnt. All our possessions were destroyed. We even submitted a file to the High Council for Reconciliation and National Unity. On top of that, I was arrested and jailed for a month. Truly, it is not easy for a women to do politics in Burkina Faso” she said in an interview.



Assita Ouattara.

When she was freed, Ouattara wanted to end her political career. However, the president of the CDP Eddie Comboigo contacted her and convinced her to get back into politics. She recalls, “After I was freed from jail, I really wanted to stay away from politics. I did not want to relive the bad experiences that I had gone through. And then, I realized that politics is not a straight line. It comes with difficulties and obstacles like many things in life. And that we had to continue the fight if we wanted to build our country.”

She is now determined to be elected and go back to parliament. “I always say that a woman must fight to earn her place, even though people

might intimidate her. Nothing is easily earned. One must fight, be it at the political party level or when one is a candidate in an election. And a woman must fight as much as men.”

Violence still prevails in politics, she says with regret: “You have what I call local violence. Men do not appreciate that as a woman leader, you stand before them and talk to them during public meetings. You can feel the hostility or sometimes they seem to feel diminished by you. It all depends on the localities where you go. Sometimes you are confronted with violent words, with intimidation and threats.”

Ouattara believes that women's empowerment is the key, “After the second revolution of 2014 as they call it, lots of women decided to pull out from politics for one reason or another but I believe that fear was at play. When you go to them, they seem afraid. They say that opponents will come and burn their houses. This violence is one of the reasons why there are so few women candidates at the elections of 2020. Political violence is imprinted in women's minds so that they have retrenched themselves. They no longer want to participate and even to listen to us. Violence should not have its place in politics because it leaves scars and traumas in women. We must empower women through training. This starts with literacy courses. We must manage to free women from this fear of getting into politics.”⁵⁹

⁵⁶ Government of Zambia, Electoral Process Act of No 35 of 2016, Section 15

⁵⁷ Government of Zambia, Constitution Amendment Act No 2 of 2016

⁵⁸ *Ibid*

⁵⁹ Interview by Séry Baoula



Zimbabwe's Electoral Act Chapter 2:13, as amended on 28 May 2018 prohibits politically motivated violence, including use of violence, or threatening violence or inciting or encouraging the use of violence, against anyone on account of his or her political opinions or membership or support of a political party or participation in the election. The Act prohibits intimidation; use violence or threats or illegal pressure to force a voter to refrain from voting or to vote for a candidate or political party against his or her will. It also forbids forcing a voter to reveal the identity of the candidate voted for or taking reprisals against a person because of the way in which he or she has voted or is believed to have voted.⁶⁰

Section 133G of the Electoral Act states that political parties and candidates (a) shall take all appropriate measures to prevent politically-motivated violence and any electoral mal-practices before, during and after the election period; and (b) shall in the case of an office-bearer of a political party, take effective steps to discipline all members of the party who engage in politically-motivated violence or who commit any electoral malpractice before, during or after the election period; and (c) whenever called upon to do so by the Commission, shall publicly undertake to abide by the code of conduct for political parties and candidates set out in the Fourth Schedule.⁶¹

Section 160A of the Electoral Act, the Electoral Code of Conduct for political parties and candidates states the purpose of the Code “is to promote conditions that are conducive to free and fair elections and a climate of tolerance in which electioneering activity may take place without fear or coercion, intimidation or reprisals.”⁶²

While gender violence is implicit in these provisions, there is no specific provision for gender violence, including sexual harassment in the electoral law. Section 10 which provides for the *Role of women* also makes no specific reference to gender violence.⁶³

Violence against women in elections in Zimbabwe has been a feature in every election since 2000, and it is a *frequent* experience for women whether they are politically active or not.⁶⁴ In 2018, a record 23 candidates vied for the presidency, four of these women. These were: Melbah Dzapasi (#1980 freedom movement Zimbabwe); Thokozani Khupe (MDC-T); Violet Mariyacha (Untied Democratic Movement) and former Vice President Joice Mujuru. The two best known candidates, Mujuru and Khupe were variously referred to as a “witch” and “hure” (meaning prostitute” in Shona on social media).⁶⁵ VAWP has continued post elections.



Hure, Elections campaign in Zimbabwe.

Photo: Gender Links

⁶⁰ Government of Zimbabwe, Electoral Act Chapter 2:13, as amended on up to 28th May 2018, Fourth schedule (sections 40B, 46, 133G, 160A AND 191) (2018)

⁶¹ Government of Zimbabwe, Electoral Act Chapter 2:13, as amended on up to 28th May 2018

⁶² *Ibid.* Fourth schedule (sections 40B, 46, 133G, 160A AND 191) (2018)

⁶³ *Ibid.*

⁶⁴ Research and advocacy unit, *Preying on the “Weaker” Sex: Political Violence against Women in Zimbabwe* < <https://researchandadvocacyunit.org/report/preying-on-the-weaker-sex-political-violence-against-women-in-zimbabwe/> accessed 11 March 2021

⁶⁵ Gender Links, Zimbabwe 50/50 Policy Brief, February 2020 < [chrome-extension://oemnmdbldboiebnladdacbdmfmadadm/https://genderlinks.org.za/wp-content/uploads/2020/02/50-50-PB-ZIM-FEB20rev.pdf](https://genderlinks.org.za/wp-content/uploads/2020/02/50-50-PB-ZIM-FEB20rev.pdf) accessed 12 March 2021

Zimbabwe: Women leaders allege violation

Three women Movement for Democratic Change (MDC) -Alliance youth leaders were abducted on May 13, 2020, after they led a demonstration, in Harare, in response to rising levels of hunger, abuse and partisan distribution of government food aid during the COVID-19 lockdown. Two days later, Joana Mamombe (sitting MP for Harare West), Cecilia Chimiri (MDC Alliance Youth



Credit: WALPE

Assembly Vice Chair) and Netsai Marova (Deputy Organising Secretary for Youth) were rescued found about eighty (80) kilometres away from Harare. They had been severely tortured, sexually harassed and inhumanely treated.

In their Urgent Appeal on 20 May 2020, Women's Academy for Leadership and Political Excellence (WALPE) and the Southern Africa Human Rights Defenders Network (SAHRDN or the Defenders Network) condemned the abductions, torture, and ongoing harassment of HRDs and legitimate political opponents.⁶⁶

VAWP is receiving increased attention, and there is a growing body of literature on VAWP illustrating that it is widespread. However comprehensive statistical data is lacking. National WROs and CSOs have an important role to play in monitoring violence in the lead up to and during elections, and they are collecting important empirical and statistical data.



In **Uganda**, the Women's Democracy Network-Uganda Chapter (WDN-U) and Innovations for Democratic Engagement and Action (IDEA) have conducted a study *Early Warning signs for Violence in Uganda's 2021 Elections, Structures & Strategies for Mitigation*. The study found that persistent challenges for women's participation include (i) electoral violence with attendant narratives constructed around militarism; (ii) sexualisation and commercialisation of politics; (iii) intimidation of female candidates; (iv) vote rigging; and recreation of patriarchy that works

to limit women even on the affirmative action seats among others. Some 89% of those interviewed said they feared the elections could become violent for various reasons.⁶⁷ WDN-U recommends:

- Improved electoral security through coordination of the uniformed forces and civil society and drawing boundaries on roles of the army in elections.
- Putting in place more stringent penalties for candidates found to have sponsored or enabled election violence, disqualification should be considered; for citizens, prosecution should be considered.

Findings from national research on violence against women in elections can be used to inform laws, policies, and actions to be taken by various stakeholders, including EMBs, CSOs, political parties and safety and security entities, to address VAWIE.

⁶⁶ Excerpt from Women's Academy for Leadership and Political Excellence (WALPE) And the Southern Africa Human Rights Defenders Network (SAHRDN or the Defenders Network) URGENT APPEAL: MDC-Alliance youth leaders, Joana Mamombe, Cecilia Chimiri and Netsai Marova)

⁶⁷ Women's Democracy Network Uganda Chapter (WDN-UC) and Innovations for Democratic Engagement and Action, *Early Warning signs for Violence in Uganda's 2021 Elections, Structures & Strategies for Mitigation* (2019) <<https://www.slideshare.net/ideauganda/early-warning-signs-for-violence-in-ugandas-2021-elections-structures-strategies-for-mitigation>> accessed 9 February 2021



A study on *Violence Against Women in Elections (VAWIE)* in Tanzania in 2015 found:

- VAWIE is not explicitly included in the list of election offences as provided in chapter eight (section 88-107) of the National Elections Act (1985). The Political Parties Act (1992) and the Elections Regulations are also silent on the issues of VAWIE.
- Violence against women during the 2015 elections occurred in three forms, namely psychological, physical and sexual. Psychological violence against women happened to be the most dominant form of VAWIE in the 2015 general elections.
- About three-quarters (69%) of the women candidates reported that they had experienced abusive language during election campaigns. For instance, verbal harassment, insults, and being booed on stage. This figure is strikingly high, calling for deliberate interventions to change the situation.
- The use of social sanctions and punishment such as controlled voting was also reported, whereby women were dictated by their husbands, brothers or sons on how to cast their votes.
- Based on anecdotal accounts from the interviews, some women aspirants and candidates were subjected to sexual demands from party leaders and campaign managers, which tended to demoralise them and hinder their effective participation in the electoral process.
- Over half of the women voters interviewed during the post-election period (53%) said that they did not vote due to various factors, including being afraid of violence that was often geared towards them. As a result, most women did not cast their votes for safety reasons, missing the voter registration card and spouse pressure.
- The study makes several recommendations involving several actors, including election management bodies, political parties, civil society, the police force and the Development Partners (DP).

IFES has developed a VAWIE assessment tool that “is based on the recognition that in order to effectively address violence against women in elections, practitioners must not only understand historical trends of this type of violence in a country, but also the factors that precipitate the violence.”⁷⁰ To address these needs, the assessment tool is organised around the analysis of four key factors that influence the incidence and extent of VAWIE. They include assessing the

status of women, in general, in national and local communities; examining women's access to the election process; identifying trends in VAWIE and exploring responses being implemented and identifying strategies for reducing VAWIE.⁷¹ This assessment tool can be used by stakeholders who should be tracking violence including EMBs, political parties and civil society. IFES also highlight the importance of the monitoring throughout the electoral process.

⁶⁸ No analysis of VAWIE in the 2020 elections could be found

⁶⁹ UN Women and Tanzania Women Cross-Party Platform, *Violence Against Women in Elections (VAWIE evidence from 2015 Tanzania General Elections)* (2016)

⁷⁰ IFES, *Violence Against Women In Elections: A Framework for assessment, monitoring and response*, 2017 p17

⁷¹ *Ibid*

Conclusions and recommendations

This chapter outlined some of the ways in which electoral laws and regulations affect women's political representation, both positively and negatively. Gender aware electoral laws can facilitate increased representation of women in political decision-making at all levels. EMBs are responsible for ensuring that all electoral laws are implemented to the letter and set up their own gender policies, processes, and structures to ensure that gender is an institutional priority and is considered throughout the entire electoral process. Recommendations include:

- **Law reform:** Check if electoral laws are in line with international and regional commitments. Undertake Constitutional and legislative review to ensure that provisions related to elections are gender sensitive and ensure that there are mechanisms to implement and monitor laws. The laws include sanctions for non-compliance. EMS should take the lead in proposing and lobbying for legislative reforms, especially in partnership with government, CSOs and other relevant stakeholders and ensure that Constitutional and legislative commitments to gender parity are enforced, e.g. by not accepting party nominations if they have not met the requirements.
- **Institutional transformation:** Develop and implement a gender policy and appoint gender focal point persons for each unit within the EMBs and institute a quota on commissioners and staff's appointment. This should all be done in conjunction with sensitivity training as part of the whole EMB training.
- **Gender in election management:** Make gender part of the monitoring framework and develop



The Morocco national petition to achieve gender parity by 2030.

guidelines to monitor gender at every stage of the electoral process, including collection and analysis of sex-disaggregated data at every throughout the election cycle. Ensuring that voting locations and time take into consideration women's roles.

- **Voter registration and education:** Make voter registration as simple as possible and ensure voter education is gender aware and that the diverse needs of women are taken into account, including literacy, cultural and religious beliefs and that priority is given to women with special needs such as expectant and breastfeeding women, men and women who are elderly/aged and

with disabilities regardless of their age or gender.

- **Eligibility criteria:** Ensure that eligibility criteria, e.g. level of education, are not exclusionary.
- **Electoral financing:** Set contribution and spending limits or bans on campaign financing to level the playing field for women who have less access to finance and resources than their male counterparts. Conduct financial audits and mandate that sources of funding be declared. Make access to public funding contingent on the implementation of gender quotas.
- **Addressing VAWP:** Identify volatile/hotspot areas and beef up security and set up incidence reporting mechanism such as toll-free numbers and investigate allegations of violence, assault or harassment of women elected officials and candidates for political office, create an environment of zero tolerance for such offences and, to ensure accountability, take all appropriate steps to prosecute those responsibly.