



Forgotten by families

Anushka Virahsawmy



CHAPTER 2

Governance

Articles 12-13



Mainstreaming gender in local government is critical; it is the sphere of governance that is closest to the people. Professor Nkandu Luo, former Minister of Local Government and Housing, now Minister of Chiefs and Traditional Authorities. *Photo: www.iisd.ca/climate/cop17/8december.html*

KEY POINTS

- Zambia's SGDI score dropped from 24% to 21% following the September 2011 elections, ranking the country 14th out of the 15 countries in the SADC region.
- Citizens were more generous with a CSC score of 52%.
- Zambia's 2011 election resulted in a reduction in the number of women in parliament from 15% in 2006 to 12% in 2011. None of the 14 female candidates who stood as independents were elected. The country has failed to meet the 50/50 target.
- Women make up only 14% of cabinet.
- Only 6% of councillors in local government are female compared to the 94% males.

Table 2.1: SGDI and CSC score for governance sector

	SGDI	CSC
Scores	21%	52%
Ranks	14	11

Zambia's SGDI governance sector score fell from 24% to 21% following the September 2011 elections. The country now ranks 14 out of the 15 countries in the SADC region. The

country will not meet the SADC target. The SGDI measures - the percentage of parliamentarians who are women (this measure includes both lower and upper houses of parliament for countries that have more than one house); the percentage of local government councillors who are women and the percentage of members of the Cabinet who are women (the measure includes the deputy ministers; ministers of state and President/Prime Minister if s/he is a member of Cabinet).

Overall, citizens gave a higher score of 52 %, which may have been influenced by the appointment of women in key government positions. Women however marked government much lower at 39% compared to men at 64% perhaps because of the decrease in women's representation in parliament and consistent low representation in local government. The CSC score is based on perceptions.

Background

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.¹

Elections are one opportunity to increase women's representation, raise issues of gender inequality and women's human rights, and to press for greater government accountability on gender sensitivity.²

The Protocol thus demands equal representation of women and men in all decision-making positions by 2015.

Article 5 of the SADC Gender Protocol calls for a strategy of affirmative action. This has been crucial to the rapid increase in women's political participation where there has been implementation. Gender activists in many countries are calling for deliberate measures, such as legislated quotas, to increase women's representation in decision-making positions.

Zambia missed the opportunity to increase women's representation in the September 2011 results, which made it clear that Zambia would miss the 50/50 target set for 2015. Authorities did not put in special measures to facilitate this.

In the Sixth National Development Plan (SNDP) government under the previous regimen MMD had committed itself to decentralising its governance institutions to provincial levels as well as streamlining



Malowa Moddy giving a group presentation at COE Workshop in Kafue District Council. Photo: Albert Ngosa

good governance practices in both public and private sectors and "facilitate the domestication of provisions of the international human rights instruments into law and ensure the implementation of the new Republican Constitution." This did not guarantee achieving gender equality in the outcomes of elections or appointing women to key decision making positions in public and semi-public entities.

The Constitution review process currently underway presents an opportunity to legislate quotas and other measures that could result in an increase in the proportion of women in political decision-making positions as well as in the public entities. The private sector should not be let off the hook. South Africa's draft Women Empowerment and Gender Equality Bill shows that this is possible. All companies especially public and semi-public entities have to strive to achieve 50/50 in key decision making positions by 2015 in line with the SADC Gender Protocol.

Civil society and relevant state institutions should continue to lobby and advocate for the domestication of the SADC Gender Protocol in order that the efforts of all stakeholders to achieve gender equality may be realised.

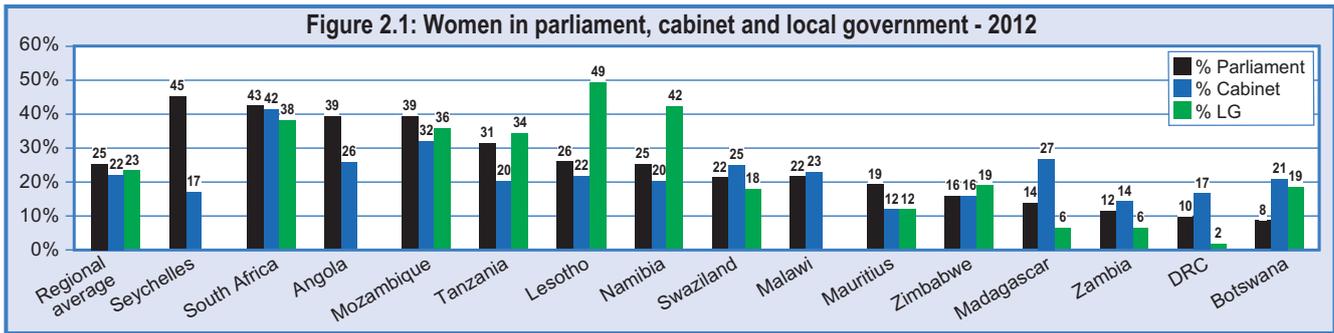
Representation



The Protocol provides for state parties to ensure that, by 2015, at least 50% of decision-making positions in the public and private sectors are held by women, including the use of affirmative action measures as provided for in Article 5.

It further provides for member states to ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision making positions, democracy, good governance and citizen participation are put in place at all levels.

¹ 2011-2012 Progress of the world's women: In Pursuit of Justice, UN Women 2011.
² Ibid.

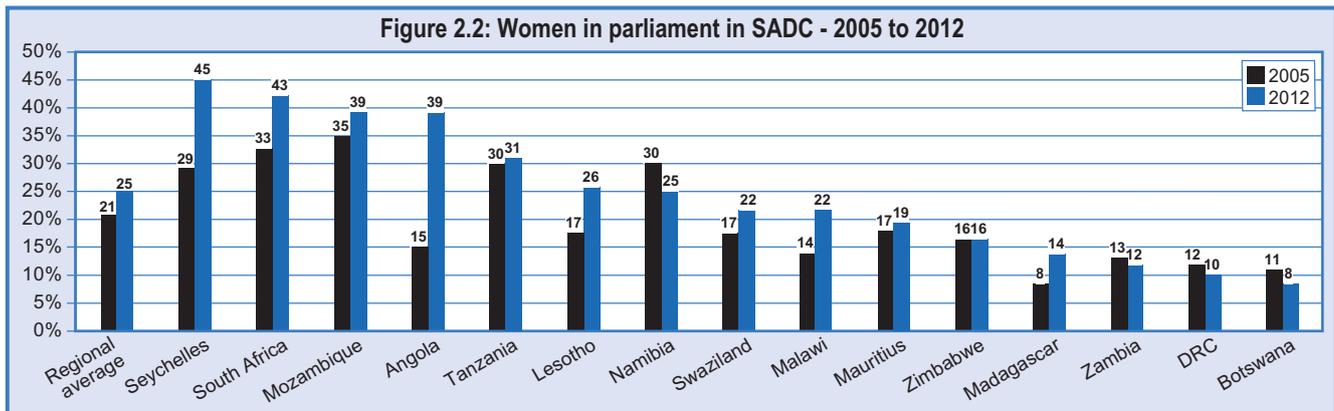


Source: 2012 SADC Gender Protocol Barometer.

Figure 2.1 shows that Zambia is among the bottom three in the region when ranked according to the proportion of women's representation in parliament at 12%. Women won only 6.1% of the local government election in 2011, a 1.2% decrease from the previous

election in 2006. The country has failed to meet the 5050 mark. Even in cabinet where the President could have shown political will by appointed more women cabinet ministers. The result is equally disappointing at 14%.

Parliament

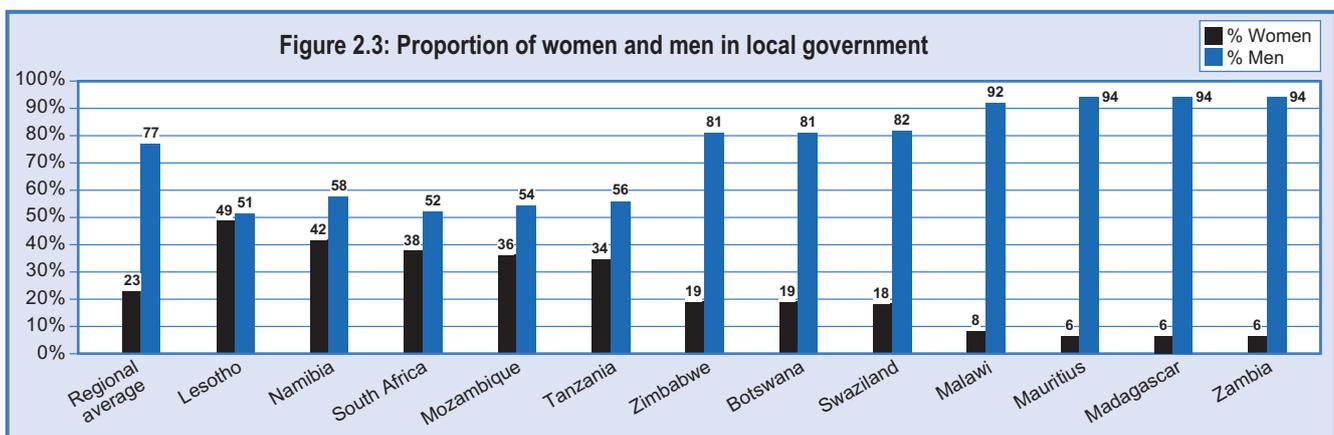


Source: 2012 SADC Gender Protocol Barometer.

Figure 2.2 shows that Zambia is among the ten countries in the region which are yet to reach 30% female representation. Angola, Mozambique and Tanzania have witnessed substantial increases in women's

representation in parliament from 2005 to 2011. But Namibia, Zambia, DRC and Botswana have moved backwards.

Local government



Source: 2012 SADC Gender Protocol barometer.

Figure 2.3 shows that women's representation in local government is below 10% in Zambia, Madagascar and Mauritius. Only five countries (Lesotho, Namibia, South Africa, Mozambique and Tanzania) has achieved 30% or higher.

With women's representation at 6.1% at local government level, it is clear that Zambia has missed the 2015 mark by far. The question being posed now, where to from here for Zambia given that the last chance to achieve parity before 2015 had come and gone? The constitutional review provides an opportunity for the country to achieve 50:50 parity in the next round of elections which will be held within the context of the post-2015 development agenda for both within the region and globally.

Voting patterns show that 1382 people were elected on a FPTP basis. Candidates were selected from seven parties with Movement for Multi-Party Democracy (MMD) - 547, Patriotic Front (PF) - 528, and United Party for National Development (UPND) - 274 obtaining the highest number of votes respectively. Thirty-one Independent candidates were successful.

Out of the 1382 successful candidates, 85 were women. The party with the highest number of women is the PF with 44 women. PF women represent 51.8% of the women in local government. However, PF women only represent 8.3% of their party in local government and 3.2% of the total elected.

MMD came in at second place, with women having won 24 of the 85 seats (28.2%) that went to women. Women in the party won 4.4% of the party total and 1.7% of the total number of women elected in local government

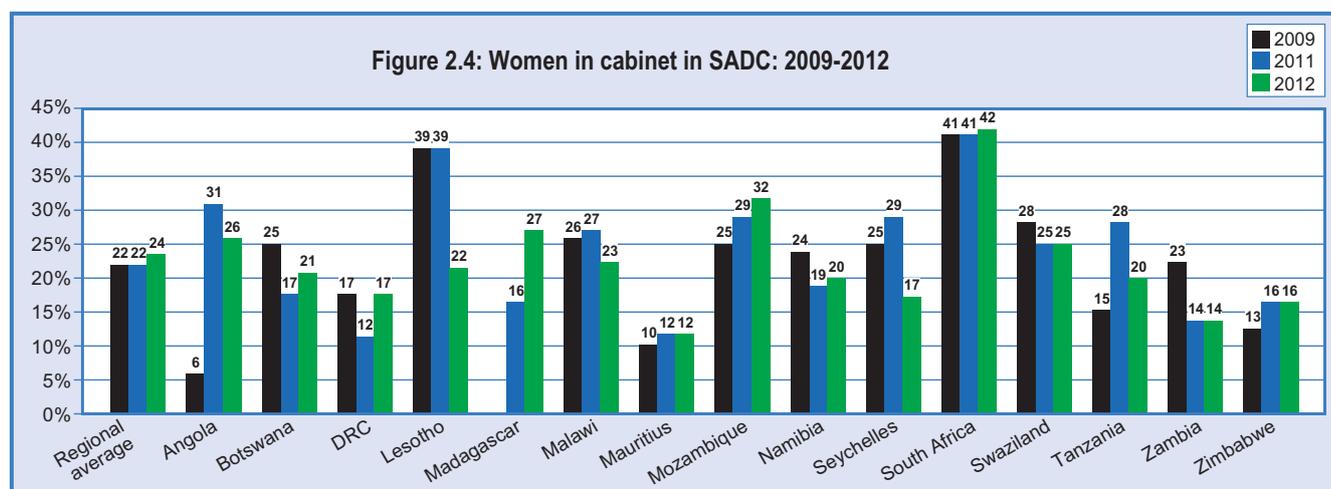
across parties. The United Party for National Development (UPND) saw 15 women elected to represent their party at local government level; 17.6% of the total women elected. This in turn represented 5.8% of the party total and 1.1% of the overall elected population.

Two Independent women candidates out of a total 31 were successful. This accounted for a mere 2.4% of the total women candidates, 6.5% of the independent seats and less than 1% of the total elected councillors.

Moreover, there was a shift in voting patterns in the 2011 election. The Zambian electorate were determined for a change of regime and voted the opposition party into power. Political parties seemed to be more concerned about getting into power and did not pay any regard to ensuring gender equality in election outcomes.



Chimanimani ward community members filling the Citizen Score card. Photo: Cynthia Kalizinje



Source: 2012 SADC Gender Protocol Barometer.

Figure 2.4 shows that the average representation of women in cabinet has remained stagnant between 2009

and 2011 at 22%. Zambia ranks 14th, dropping from 16% in 2009 to 13% in 2011.

The lack of gender sensitivity in the appointments is evident. The key gender-related Ministries - Agriculture and Livestock, Health, Labour, Youth, Sports, Finance, Mines, Foreign Affairs, Defence and Home Affairs - are all headed by men.

Out of the four women, only two had been Cabinet Ministers before: Nkandu Luo, Minister of Local Government and Housing and Sylvia Masebo who has just been appointed Minister of Tourism and Arts which is also a new Ministry. Luo has since been changed to be Minister of Chiefs and Traditional Authorities. Inonge Wina, Minister of Gender and Child Development was initially appointed Minister of Chiefs and Culture while Emerine Kabanshi was Deputy Minister appointed to head Gender in Development before it was given the status of a full Ministry.

While activists lobbied for the President to appoint more women in Cabinet given the low proportion of women in political decision-making but this did not happen.

The president forms part of the cabinet. Zambia usually holds presidential elections jointly with local government elections. The 2008 Presidential elections were held due to the death of President Levy Mwanawasa. Elections are usually conducted in a tense environment. In 2011, a female candidate, Edith Nawakwi, the former Minister of Finance in the late President Chiluba's Government, stood under the Forum for Democratic Process (FDD). The media showed bias against female candidates in the manner in which they interviewed and profiled them.

Gender and political parties

Political parties play a critical role in "opening the door" for women to enter and participate in decision-making. In parliamentary systems, women can only be elected into office via political parties.

Zambia National Women's Lobby launched a campaign aimed at increasing the number of women in decision-making structures, especially in political parties, to 50:50, as mandated by the 2008 SADC Protocol on Gender and Development (Lorraine Mukanda, ZNWL, 2011).

Zambia Centre for Inter Party Dialogue (Chomba Chellah, ZCID, 2011), NGOCC, WLSA and Gender Links have been promoting implementation of the 2008 Protocol on Gender and Development. Following campaigns, all political parties know about the SADC Gender Protocol but they are not incorporating it into their manifestos arguing that the national Constitution should do so first.

The only political party that had enshrined the 50:50 representation of women and men is the United Liberal

Party. The policy has been implemented at national level but has yet to be decentralised to the provincial and district level structures. Other new political parties indicated that they are interested in mainstreaming gender in their party policies and manifestos. The following parties were consulted: Zambia Alliance for Democracy and Development, Forum for Democracy and Development, Movement for Multiparty Democracy, National Democratic Focus, Patriotic Front, United Liberal Party, United National Independence Party, and United Party for National Development.

Women's wings

Most women's wings in political parties face challenges of participating in decision-making. They need to be empowered to influence the opening up of political spaces within the parties.

Election processes

None of the political parties consulted had concrete strategies with resource commitments to promote increased participation of women in the various structures of the party organs. All the political parties indicated that they do not discriminate against women and yet most of the women were found to be in the lower strata of political party structures. They all have women's leagues or women's sections where most female members of the party find themselves. The leagues have the mandate to address gender issues within the political parties. Gender equity has been a sideline issue and not a crosscutting one

Electoral systems and quotas

There are two main types of electoral system, *Proportional Representation* (PR) or the "party list system". In this system citizens vote for parties based on allocated seats in parliament according to the percentage of vote they receive. Individual candidates are awarded a seat in office according to where they are placed on the party list. In an *Open List system*, voters determine where candidates are placed on the list. In a *Closed List system*, the party determines where candidates are placed; this is usually based on democratic nomination processes within the party.

The second system is the constituency or *First Past the Post* (FPTP) system, citizens vote for both the party and the candidate who represents the party in a geographically defined constituency. Thus, a party can garner a significant percentage of the votes, but still have no representative in parliament. This system is also referred to as a *winner-takes-all* system and perhaps not the most ideal for consolidating democracy or ensuring women have a place at the table.

In Zambia, elections are conducted on an FPTP or *winner-takes-all* basis whereby the number of seats won is determined by the party with the majority of votes.



Colleen Lowe Morna, CEO of Gender Links, explains electoral systems at an Alliance governance cluster meeting in Harare attended by Zambia representative August 2011. Photo: Trevor Davies

Furthermore, there is no quota or system of reserved seats for women. Women and men compete on the same platform “from different vantage points”.³ Outcomes of elections show that women’s chances of entering politics are limited more so in a situation like 2011 elections where the electorate voted for a party opposed to individuals. A quota for women in decision-making was mooted in the currently dormant Constitution making process.

There has been limited discussion on altering the electoral system. In 2005, an Electoral Reforms Technical Committee was tasked with researching and proposing a new system. The Committee recommended a version of the Mixed Member Proportional (MMP) system - practised in Lesotho.⁴ The MMP is a dual ballot system that allows a voter to cast two ballots - constituency vote and a party vote. Constituency representation in the National Assembly is determined by the constituency vote while the party vote compensates parties that have won few to no constituency seats. The party vote is used to select candidates from a party list to make up for seats a party would have been entitled to had constituency seats been allocated on a proportional basis.⁵

While it is difficult to predict whether the electoral system will change in the near future, the change in regime does offer some hope for increased numbers of women in decision-making. The turn over from one party to another may well signal commitment to inclusion of women at every level of governance in Zambia. The newly elected President Michael Sata has shown signs of an intention to include women. Though female appointments to the initial Cabinet were disappointing, there have since been some key appointments such as Heads of Anti-Corruption

Commission, Police Service, the Electoral Commission and the Drug Enforcement sectors.

The opposition argue that the non-domestication of ratified instruments and treaties on gender affected the functioning of the political parties and other non-state structures. Most respondents during the citizen scorecard administration attributed the poor participation of women in decision-making structures predominantly to a lack of political will by the political party leadership. Other reasons they advanced were:

- The fact that women lack resources and support from their spouses;
- That the women's movement has not continuously conducted the capacity building of women.
- Parties want candidates who will help them win elections. Female candidates have to compete equally with their male counterparts using first past the post principle.
- The electorate does not necessarily vote for candidates based on the good profile of the candidate or on whether they were male or female but voted based on the profile of the political party. One respondent indicated that if the candidate stood for a particular political party, however good they were, he was not going to choose that candidate because the philosophy of the party kind of “messed up” their good standing.
- The leadership in the political parties as well the women's “pull down syndrome” (women not voting for women).
- Women have negative perception of politics linked to cultural values, perceptions and patriarchal customs which do not see participation in political affairs as a domain for women.
- Violence in past by-elections, especially in Mufumbwe and Chilanga, has contributed to women shunning politics. Some women argue that the political landscape is too violent and “I am not interested in being insulted and humiliated. You have to be a tomboy to stand that pressure and you women won't even support me.”

Political party manifestos and systems

No political parties in Zambia have quota systems. The President of Zambia has the powers to nominate Members of Parliament (MPs) and it is at his discretion whether to appoint women or men. This could be used to increase the number of women in the legislature. For this to happen, the Parliamentary Caucus needs to intensify its advocacy efforts working in collaboration with GIDD and NGOs. The desire by political parties to have a “winning candidate” affects women, as does the absence of women in the top management structures of the political parties where candidates are selected

³ Gender and Local Government in Zambia (2007).

⁴ Ibid.

⁵ Matlosa, K. 2007. “Lesotho” in Cawthra, G., du Pisani, A and Omari, A (eds) *Security and Democracy in Southern Africa*.

and adopted. The perception that a winning candidate is a man is another stereotype that should be addressed within political parties.

There is no relationship between the number of women in decision-making positions in the party and their presence in legislative and local government. Women play key roles in helping the parties gain popularity in

the communities and yet they are denied key decision making powers in the various structures.

Under the MMD manifesto, gender is not mentioned at all in the foreword by the President of the Party. The approach remains piecemeal and there is not even a mention of gender-based planning and budgeting.

Table 2.2: Gender in political party manifestos, 2011

Party	Quota & Nature/No.	Women specific projects	Gender mainstreamed in manifestos
MMD	None	<p>In the next five years the MMD government will:</p> <ul style="list-style-type: none"> Continue to strengthen the operations of the Gender in Development Division to ensure that there is greater participation of women at the highest level; Implement all treaties regarding gender and women participation in national affairs in general and in particular achieve the Southern African Development Community (SADC) and African Union 30% and 50% threshold respectively; Continue women empowerment programmes through creation of more women clubs; Initiate programmes that benefit the girl child; Review legislation that disadvantages women." P. 19 <p>Under Land, "Beyond 2011</p> <p>In the next five years the MMD government will:</p> <ul style="list-style-type: none"> Continue with the policy requiring that 30% of land allocated in Zambia is reserved for women;" No indications of increasing it to 50:50. (p.30) Under Science and Technology, MMD seeks to increase female participation in science and technology related courses from 6% to 15% by 2014 (p.33). Under Health- Reduce child and maternal mortality in line with Millennium Development Goals (MDGs) (p.34). Under Benchmarks for Development, MMD seeks to : "7.17 Ensure that there is greater participation of women in economic and Social affairs. The MMD Government will implement all treaties regarding gender and women participation in national affairs in general and in particular to achieve the Southern African Development Community (SADC) and African Union 50% and 30% threshold respectively; continue women empowerment programmes through creation of more women clubs; initiate programmes that benefit the girl child and review legislation that disadvantages women." P.46 	<ul style="list-style-type: none"> General pronouncement in the revised 2011-2016 manifesto "Country men and women, I have the pleasure and privilege of presenting to you, the people of Zambia, this manifesto, whose theme is "Development by all, for all". (MMD). Gender is not mainstreamed in the manifesto but in various parts of the manifesto, "gender" and women issues are raised. In the last but one paragraph of the manifesto Item 7.17 should have been in the first part of the manifesto.
UPND	None	<ul style="list-style-type: none"> Article 5: "to work towards greater participation of women in public life and decision-making with a goal of attaining at least thirty percent representation for women in decision making bodies and wherever possible engage in affirmative action in favour of women." To work towards greater participation of women in public life and decision making with a goal of attaining at least 30 percent representation for women in decision making bodies and wherever possible engages in affirmative action in favour of women." (UPND Constitution). 	<p>Article 5: of the Constitution: Objective</p> <ul style="list-style-type: none"> Objectives: <ul style="list-style-type: none"> b) "to harmonise tribal, racial and gender relations in the country"(p.5) e) to protect every citizen`s and resident`s fundamental human Rights such as" Rights of the woman and the child" (p.5.) Gender not mainstreamed in the manifesto but as separate parts
PF	None	<ul style="list-style-type: none"> Promotion of Girl Child Education and implementation of the SADC Protocol on Gender and Development especially women in decision-making. 	<ul style="list-style-type: none"> Gender policy included in the Manifesto. Plans to implement a gender commission. Plans to domesticate all protocols and treaties which Zambia is party to. Gender not mainstreamed in the manifesto but as separate parts

Source: UPND, MMD, PF Manifestos, 2011.

Zambia election outcome prompts call for legislated quotas

Zambian gender activists are using a constitutional review process to make a case for legislated quotas following a dismal outcome in the country's September 2011 local government and national elections.

Women won just 6.1% of local government seats, the same as before. Parliamentary results were equally disappointing with the percentage of women dropping from 15 to 11.2 - far from the SADC Protocol target of 50/50. This is especially disappointing as it was Zambia's last election before the 2015 deadline.

These results also raise concerns about the quality and fairness of local service delivery. If only 85 women out of 1382 people are contributing to day-to-day local authority decisions, it is likely that women's demands and priorities will not be adequately addressed.

Zambia follows the FPTP or "winner-takes-all" electoral system. There is no quota or scheme that reserves seats for women. Women and men compete on the same platform but "from different vantage points."⁶

There has been limited national debate or discussion about altering the country's current electoral system



Participants at the second women's constitutional conference - June 2012, Zambia. Photo: Margaret Machila

since a new system was proposed by the Electoral Reforms Technical Committee in 2005. The Committee recommended a version of the Mixed Member Proportional (MMP) system used in Lesotho.⁷ A dual ballot system, MMP allows voters to cast two ballots: a constituency vote and a party vote. Constituency representation in the National Assembly is thus determined by the former while the latter compensates parties that have won fewer constituency seats. Candidates are then selected from a party list depending on the results of this party vote.⁸

Table 2.3: Local Government 2011 Election Results

PARTY / INDEPENDENT	TOTAL NO OF SEATS WON PER PARTY	FEMALE (SEATS WON PER PARTY)	% FEMALE PARTY SEATS	MALE (SEATS WON PER PARTY)	% MALE PARTY SEATS
ADD	13	0	0	13	100
FDD	3	0	0	3	100
INDEPENDENT	31	2	6.5	29	93.5
MMD	547	24	4.4	523	95.6
NMP	1	0	0	1	100
PF	528	44	8.3	484	91.7
UPND	259	15	5.8	246	95
TOTAL	1382	85	6.2	1299	93.8

Source: Compiled by Gender Links from data collected from Electoral Commission of Zambia and Zambia Women's Lobby (March 2012).

Table 2.8 reflects Zambia's most recent local government election results disaggregated by sex. It shows the percentage of seats won by each party. A total of 1382 representatives were elected and candidates were selected from seven parties.

Movement for Multi-Party Democracy (MMD) and Patriotic Front (PF) obtained the most votes. PF elected the most women, 44 in total, which is still a mere 8.3% of those elected.

The single digit women's proportions prove there is still plenty of work to be done within political parties. Women barely occupy 10% of party space in local government. Moreover, while there was a shift in voting patterns in the 2011 election and the Zambian electorate ushered in change by rejecting the ruling party, none of the main parties addressed the country's obligation to gender equality as stipulated in the SADC Protocol.

⁶ Gender and Local Government in Zambia (2007).

⁷ Ibid.

⁸ Matlosa, K. 2007. "Lesotho" in Cawthra, G., du Pisani, A and Omari, A (eds) *Security and Democracy in Southern Africa*.

Respondents to a research study identified several reasons why Zambia has been unable to achieve equal representation of women and men in decision-making positions:

- **Party Support:** Parties did not adopt women candidates to stand for election. Men are considered more likely to win.
- **Culture, patriarchy and beliefs:** The belief that women have no place in governance and decision-making persists in Zambia and other SADC countries.
- **Identity, conflict and violence:** Issues of women's identity as far as how they are recognised both within and outside party structures are related to the culture, beliefs and attitudes that prevail in a society. Threats of violence prevented some women from running. The lead-up to the election was fraught with reports of party-on-party violence.
- **Financial constraints:** Parties did not provide funds for women's campaigns. In some cases women were told they would receive investment from a party only to later learn it was not available.
- **Media portrayal of women:** Journalists contribute to the character assassination of women political aspirants. Women, especially at the local level wary of the potential repercussions of a possible negative media campaign.
- **Capacity building efforts:** In the absence of legal frameworks and reserved seats for women, the onus is on civil society and institutions such as ECZ to keep the on the political agenda in non-election years.

"The numbers of women are decided at a political party level and this has contributed to the low numbers of women in local government in Zambia." Morris Mbolela, Secretary General, Local Government Association of Zambia - LGAZ

A quota or system that reserves seats would enable women to contest male candidates in an open FPTP system. Lesotho Congress for Democracy (LCD), the former ruling party in Lesotho, has an internal 30% party quota so that women stand a good chance of significant wins in the country's FPTP system. Women LCD politicians have 32% overall representation within local government and constitute 44.1% of the party's overall seats.

If these systems are implemented there is a need for greater capacity building and training to facilitate women's access to the necessary political platforms. This type of empowerment helps minimise issues of safety and security and protects women from abuse and character assassination.

The foundation for moving toward a quota was already laid during the Constitutional reform process. Various institutions have proposed that 30% of local authority seats be reserved for women. This could work for Zambia as it has in

Lesotho. Draft Constitution proposals include a call for a legislated quota to ensure that Zambia meets the 50/50 target. Zambia may have missed the 2015 mark to obtain 50% women's representation but attaining gender equality in decision-making remains a crucial endeavour.

Capacity building of women candidates

Female MPs who are aspiring for political office in all political parties indicate that lack of resources is the biggest obstacle. Candidates have to mobilise their own resources.

The Zambia National Women's Lobby has led the training of candidates with support from NGOCC Basket fund acquired through cooperating partners such as National Democratic Institution (NDI) and SADC Parliamentary Forum (SADC PF) and development partners. Once the candidates are adopted, it is mainly the ZNWL that train and sensitise the adopted women on skills such as fundraising, public speaking, public advocacy and coalition, alliance building and networking skills. GL has done some work with local government councillors as part of the Centres of Excellence for gender mainstreaming in local government programme.



Councillors Oscar Kaleya, Joyce Sakala and Sydney Namweene from Chongwe District Council working on a group assignment at a COE meeting. Photo: Albert Ngosa

The public service

Table 2.4: Selected gender disaggregated positions in the executive and civil service (before 20th September 2011)

DECISION-MAKING POSITION	Women	Men	Total	% for women	% for men
Secretary to the Cabinet	0	1	1	0	100
Deputy Secretary to the Cabinet	0	2	2	0	100
Secretary to the Treasury	0	1	1	0	100
Auditor General	1	0	1	100	0
Permanent Secretaries	7	35	42	17	83
Deputy Permanent Secretaries	0	24	24	0	100
Special Assistants to the President	1	3	4	25	75
District Commissioners	11	57	68	16	84
Directors	23	77	100	23	77
Deputy Directors	13	58	71	18	82
Assistant Directors	37	140	177	21	79
Assistant Secretaries	11	24	35	31	69
TOTAL	114	466	560	19.6	80.4

Source: GIDD, 2011.

Table 2.4 shows that public service requires engendering. Out of a total of 580 members of staff in senior positions in civil service, only 115 were women in the MMD-led government, which translates into 20% of the positions while men enjoyed 80%. There were seven out of 42

Permanent Secretaries, making it 17% compared to the 83% for men. All the 24 Deputy Permanent Secretaries were men while the Auditor General is a woman. Zambia is very far from achieving gender parity in public service

Women making inroads into judiciary

Table 2.5: Selected gender disaggregated positions in the judiciary and national commissions

DECISION-MAKING	Women	Men	Total	% for women	% for men
Chief Justices	2	0	2	100	0
Deputy Chief Justice	1	0	1	100	0
High Court Judges	19	19	38	50	50
Magistrates	9	24	33	27	73
Local Court Justices	97	711	801	12	88
Human Rights Commissioners	2	5	7	29	71
Anti-Corruption Commissioners	2	3	5	40	60
Public Service Commissioners	1	5	6	17	83
Teaching Service Commissioners	0	4	4	0	100
Police and Prison Commissioners	1	6	7	14	86
Electoral Commission of Zambia Commissioners	2	6	8	25	75
Commissioner for Investigation	1	0	1	100	0

Source: MGCD, 2012.

Table 2.5 shows that more women are making inroads into the Judiciary, although it has faced various controversies based on corruption reports. More female high court judges have been appointed and there is now gender parity, 19 women and 19 men. There are two women Chief Justices: Judge Lombe Chibesakunda and Judge Florence Mumba. However, at magistrates level, out of the total of 33 magistrates, only nine (27%) are women while out of the 801 Local Court Justices, only 97 are women, which is only 12%.

Two females head the judiciary

In June 2012, President Michael Sata appointed Lombe Chibesakunda as acting Chief Justice and Florence Mumba as acting Deputy Chief Justice. The judiciary is the most engendered structure in leadership positions in Zambia with both top positions being held by women. Justice Chibesakunda is Zambia's first female lawyer and Solicitor-General. She is also the first female judge and has served as Zambia's first Human Rights Commission chairperson. Justice Chibesakunda also served as

Deputy Minister in the Ministry of Legal Affairs, Zambia's envoy to Japan and the United Kingdom, and is one of the longest serving senior members of the Supreme Court bench. Justice Mumba is a former chairperson of the Electoral Commission of Zambia (ECZ) and served as director of the Legal Aid Department in 1978.

In 1989, she was appointed Ombudsman, a position she held until she became Supreme Court Judge in 1997. In 1997, she was elected judge for the International Criminal Tribunal for Yugoslavia (ICTY) and also served as vice-president for ICTY from 1999 to 2001. In 2003, Justice Mumba was sworn-in as member of the Appeals Chamber of the International Criminal Tribunal for Rwanda.

Source: Sunday Times, 15th June, 2012.

In the Ministry of Education and Vocational Training, which was headed by a female Minister, Dora Siliya, all four Public Service Commissioners were male. The new Minister is a male. There is a need to increase lobbying

and advocacy efforts targeting the decision-makers to enact 50:50 staffing or apply the zebra principle where, if a woman is the head, the deputy should be a man.

Participation in decision-making



Protocol provides for State parties to adopt specific legislative measures and other strategies to enable women to have equal opportunities with men to participate in electoral processes including the administration of elections and voting.

It also provides for equal participation by women and men in policies, strategies and programmes for building the capacity of women and men in decision-making through leadership and gender sensitivity training and mentorship; support structures for women in decision-making; structures to enhance gender mainstreaming and changing decision-making attitudes and norms. The Protocol specifies that men be included in these activities.

Election management

The Electoral Commission of Zambia (ECZ) has five commissioners appointed by the president: three females (60%) and two males (40%), one of whom is the chair. The Commission works under the Electoral Act which has no provision for increasing women's participation

in politics. The ECZ is not mandated to propose legal amendments. ECZ receives funding from the government and is audited by the Auditor General's Office. ECZ has two major functions and these are to register the voters and manage an election.

Voting

Figure 2.6 shows that at least 50% women and 50% men are registered to vote - that means there is gender parity.

Experience in the last by-elections has shown that many women fear violence and do not go to vote while others have argued that they do not see any benefits of voting as their voting does not seem to lift them out of poverty. Another reason given was the long distances to the

polling stations, especially difficult for older citizens and people with disabilities.

Political parties know that women are the main voters during elections and target them during the campaigns. However, women have become victims of several

**Table 2.6: Women and men eligible voters
Women and men registered to vote**

NO	PROVINCE	REG. VOTERS	FEMALE	MALE
1	CENTRAL	486,027	237,039	248,988
2	COPPERBELT	853,816	390,441	463,375
3	EASTERN	652,104	350,151	301,953
4	LUAPULA	417,149	215,398	201,751
5	LUSAKA	777,818	352,573	425,245
6	NORTHERN	667,532	339,405	328,127
7	NORTH WESTERN	319,134	161,429	157,705
8	SOUTHERN	648,298	336,628	311,670
9	WESTERN	401,438	226,597	174,841
TOTALS		5,223,316	2,613,655	2,609,661

Source: Electoral Commission of Zambia 2011.



Luanshya Municipal Council Advocate, Dorcas Malama giving a group presentation.

Photo: Albert Ngosa

malpractices by political parties where they distribute chitenges (cloth) and money (brown envelopes) to entice them to vote for certain candidates. Most voters vote on party lines and not according to whether a candidate is a man or woman.

Civil society organisations consider gender during the civic education. For example, during the training undertaken by Zambia National Women's Lobby, Women for Change, NGOCC, Zambia Centre for Interparty Dialogue, women have been encouraged to stand in any positions up to presidential level.

Citizens score efforts by all stakeholders in enhancing participation

Figure 2.7 shows that citizens feel that there is no enabling environment to enhance women's participation in public life with scores all below 5 (50%) out of 10 except in the area of establishing structures to enhance gender mainstreaming.

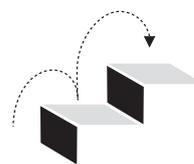
Table 2.7: Enhancing participation by women in public life

Measure of participation	On a scale of 1-10 (1 very low and 10 very high)	Explanation
Leadership, gender sensitivity training or mentorship	3	Limited leadership training undertaken by government. Training undertaken by CSOs especially the Zambia National Women's Lobby and NGOCC.
Support structures for women in decision-making	2	Women are almost absent at this level.
Establishment and strengthening of structures to enhance gender mainstreaming	5	<ul style="list-style-type: none"> • GIDD. • Focal Point Persons in Line Ministries. • Women Parliamentary Caucus.
Changing discriminatory attitudes and norms of structures and procedures	3	Statutory laws compromised by customary laws.
Inclusion of men in gender related activities including community mobilisation	5	National Gender Policy.

Source: Reference group 2011.

Costing

The Electoral Commission of Zambia (ECZ) conducted general capacity building, voter education and elections related legislative processes. Of the ZMK 2.8 billion (US\$5,1 million) received in 2010, the ECZ spent 42% on voter education. However, this did not include a gender element and ECZ lost an opportunity to educate the Zambian electorate on the importance of ensuring women's equal representation in politics. The ECZ could have joined forces with civil society and mounted a campaign to encourage voters to support women candidates.



Next steps

There is a need for:

- More advocacy to engage political parties and government to replace the FPTP electoral system because is not conducive to increasing the number of women in political decision making structures. The requirement to increase pressure on political parties

to adopt the 50:50 threshold as stipulated in the SADC Protocol should be enshrined in the Constitution.

- To empower the women's leagues and the political party leadership. The political parties could also be encouraged to have early adoptions of their candidates to give ample time for their capacity building and for the candidates to situate themselves in the communities where they will stand.
- Women have to mobilise and ensure that the constitutional provision of proportional representation is maintained. There should be constructive engagement and submissions by the various women's organisations, the Ministry of Gender and Child Development, NGOCC as coordinating body and its member organisations and other stake holders. They should push for provisions including the 50:50 equal representations in all structures of decision making.
- The ZNWL to take the lead and re-launch the 50:50 campaign under the auspices of the Southern Africa Gender Protocol Alliance represented in Zambia by WLSA-Zambia to give this a regional perspective.
- A deliberate plan and effort targeting women in Local Government. Efforts should be made to create

partnerships with Local Government Association of Zambia to develop a sustainable programme for empowering women at this level building on existing initiatives.

- To address customs and traditions which influence the negative perceptions about women's participation in politics. This could be carried out through citizen civic education, targeting voters in communities.
- Engage the President to appoint women in vacant positions in the public sector to increase the numbers of women in public service.
- To explore a good mix of the strategies including lobbying for quota system, gender sensitisation, candidate schools, interrogating the adoption systems and procedures in favour of proportional representation, zebra lists, advocacy and lobbying, exchange visits in the region among others
- Engendering the political party manifestos.
- More involvement with the media such as television, radio as well as social media such as cellphones, internet and websites as platforms to lobby for increasing the number of women in decision-making.



Rev Nsofwa, Prof Luo, Charles Chisala and Matrine Bbuku Chuulu at the planning meeting on the draft protocol on gender and development.

Photo: Colleen Lowe Morna