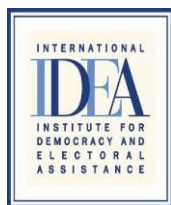


POLICY BRIEF ON
WOMEN'S POLITICAL PARTICIPATION IN ZIMBABWE



Padare/Enkundleni Mens Forum on Gender



Université Cheikh Anta Diop de Dakar
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The African Women's
Development and
Communication Network



FAWE
Forum for African Women Educationalists
Forum des Educatrices Africaines

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Source: Organising4Zimbabwe



Source: Zimfact.org

SITUATIONAL ANALYSIS: ZIMBABWE

This policy brief is informed by the situational analysis on women participation in politics conducted by Padare/Enkundleni Men’s Forum on Gender in May 2020. The brief will discuss the challenges, lessons learnt, good practises and recommendations to increase women political participation. Politics in this brief is applied broadly to refer to leadership and decision-making positions in public office and private office.

THE STATUS QUO OF WOMEN’S POLITICAL PARTICIPATION IN ZIMBABWE

Position	Total Number	No of women	% of women
President	1	0	0
Vice president	2	0	0
Cabinet Ministers	21	5	24
Ministers of State	4	1	25
Ministers of state for provincial affairs	10	5	50
Deputy Ministers	18	4	22
National Assembly	270	86	31
Local Government	1959	274	14
Supreme Court	15	6	40
High Court	29 ⁶	10	34
Procurement Regulatory Of Zimbabwe	8	4	50
Zimbabwe Stock Exchange Listed Companies Directors	403	72	18
Zimbabwe Consolidated Diamond company (ZCDC)	7	2	29
Zimbabwe Mining development company (ZMDC)	7	1	14
Permanent Secretaries in the Ministries	20	8	12
Health Service Board	6	3	50

Source Padare, 2020

The table above shows that at all levels of decision-making women are far from achieving gender equality as stipulated in Section 17 of the Constitution of Zimbabwe. The glaring under representation of women is counter democratic. In 2018, the level of women in political positions dropped dismally. The quest to increase women participation remains a topical issue.

BACKGROUND TO WOMEN'S POLITICAL PARTICIPATION IN ZIMBABWE

Zimbabwe adopted a new Constitution in 2013,¹ which prominently speaks on advancing the rights of women and girls in all spheres of life- that is, economic, social and political. The values and principles upon which the Constitution is founded guarantees women the same rights and opportunities as men and this can be identified from the following clauses:

“The State must promote full gender balance in Zimbabwean society and in particular, the State must promote the full participation of women in all spheres of Zimbabwean society on the basis of equality with men” – Section 17

“Every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities”- Section 80

“for the next two lives of the National Assembly (commencing in 2013), an additional sixty women shall be elected under a party-list system of proportional representation based on votes cast for political party candidates.’ Section 124

The Constitution provides for a quota system in which 60 seats are reserved for women. However, despite a progressive Constitution, Zimbabwe continues to see women's underrepresentation in leadership positions across the political divide. There is still need to locate gender justice in a political paradigm that challenges systemic discrimination against women. The patriarchal system continues to disempower and marginalise women such that they are unable to enjoy their social, economic and political rights in the private and public sphere.

Women participation has decreased since the 2013 Constitution. In 2013 elections participation rose from 14% to 32% in Parliament and 33% to 48% in the Senate. This was attributed to the application of the new quota system. In 2018 the participation of women at national assembly level and Senate level dropped. In Parliament women reached 31% and Senate 44%. It is because of the quota that women in the National Assembly reached 31%. The actual women voted for constitute 16%. The quota system has had a negative net effect as political parties are relegating women to the 60 reserved seats.

Women's participation has also decreased at local government level. In 2013 women participation was at 16% and dropped to 14% in 2018 (Gender Links, 2018). This not only contributes towards gender blind social policies but limits the participation of female citizens to demand accountability, justice and equity in service delivery as they must approach male Councillors who are not always privy of the gendered realities that affect women at that level. There are no affirmative actions at this level that seek to increase women participation like the quota system or the zebra system.

The policy brief highlights the reasons why women participation is not advancing despite progressive legislation that promotes gender equality and affirmative actions like quota systems, what are some of the drivers and impacts of women's participation. The brief explains what needs to be done to strengthen women participation ahead of the 2023 elections and other leadership opportunities in public administration.

METHODOLOGY

¹¹Constitution of Zimbabwe (Amendment number 20) Act of 2013

The policy brief applied a qualitative research methodology. The main method engaged was a systemic desk review. The desk review was mainly guided by the situational analysis on women participation in Zimbabwe conducted by Padare in May 2020. A legal and policy analysis was conducted to establish the human rights and governance aspects that promote women's participation. The desk review also identified good practises internationally and regionally that have been employed to enhance women's participation in leadership.

THE LEVEL OF PARTICIPATION OF WOMEN IN LEADERSHIP AND DECISION MAKING.

Participation has to be meaningful for it to be effective. Meaningful participation requires that all 5 stages of participation are exercised: information consultation, joint development, collective decision making and supporting, (Baicchio 2003). The exercise is representative and inclusive of all voices in society especially when making decisions. The trend has been that women are often the majority of voters, rally attendees, mobilisers for gatherings and support personnel. Women are called to participate as a mechanism of representation rather than including their voices hence *endorsement*. Padare 2020 refers to this as *window dressing*. Presidents in Zimbabwe have applied this window dressing approach at lower levels of decision-making positions. Women increase from Provincial Ministerial level going down to Councillors. In public offices from Permanent secretaries to administrative staff and in the judiciary from Magistrates to clerk of courts. Similarly, in the private sector from deputy directors going down. The other trend is the *deputization* of women to fulfil women participation in decision-making. The highest attained level by a woman in Zimbabwe was Joyce Mujuru when she was appointed Vice-President by the then President RG Mugabe. At no point did that level the playing field for women in politics. Women are thus still at the lowest level of participation.

IMPORTANCE OF WOMEN IN LEADERSHIP AND DECISION MAKING

The role of women in politics and public office is a burning governance issue because of the perceived and acknowledged contribution of women to governance processes. Democratic principles require that they be equality, fair and representative political system. The exclusion of women in politics is counter-democratic. Gender equality is a human right. Zimbabwe has ratified the Convention on the Elimination of Discrimination Against Women, Maputo Protocol and SADC Gender Protocol that emphasise the gender equality in all leadership and participation in private and public spheres. For the last 5000years the global rule of men or patriarchy has wreaked havoc destructive chaos on earth and all her children (Goldberg, 1993). The world has looked to women political participation as a viable option. The theory of change is if 52% of the population participates in decision making, then it will advance family welfare, society and human development. This has proven to work where women have successfully advanced sectors like health, education and service delivery when at the realm of decision making. In the scourge of rampant corruption that has destroyed economic governance nationwide, the corruption index suggests that women are less likely to fall for leadership tendencies and thus economies of nations will thrive. Without women's meaningful participation, their needs, aspirations will not be met. (Padare, 2020). Women's participation is universally recognised as a human right and Zimbabwe has committed to that in various international and regional instruments.

Zimbabwe operates a parliamentary democracy which calls for fair and equal representation. It demands that there be free and fair elections that are free from violence, transparency and accountability, inclusivity and equality. There is no democracy if one gender is cut off in participation processes. Institutions like Parliamentary Women Caucus together with the Ministry of Women Affairs Community, Small and Enterprise Development have been instrumental in ensuring that gender parity laws are enacted and continue to advocate for gender equality at the political party level. For example, the formation of the G20 women during COPAC proceeding towards a new Constitution in 2013. The G20 comprised of women parliamentarians, Ministry of Women Affairs, Women Movement in Zimbabwe and women academics crafted the key demands for gender equality in the Constitution. G20 provided constitutional literacy across the country and lobbied for a gender sensitive constitution. 97% of the Constitution is gender responsive. The Zimbabwe Gender Commission has played a key role in conducting research and advocacy for gender equality in political participation. The Gender Commission set up a Gender Observatory as a mechanism for gathering evidence and documenting women's experiences throughout the electoral cycle. The Gender Commission has instituted a gender audit of political parties to institutionalise gender through policy and practise in political party systems. (Spotlight Initiative 2020). The Commission has also conducted a study visit on electoral systems, quotas and women representation in the SADC region to identify good practises that Zimbabwe can adopt. (Gender Links, 2020). The generation of evidence by the Commission will direct key lobby and advocacy efforts on women participation in Zimbabwe. Advocacy for the extension of the quota system from 2023 and application of gender balance as stated in the Constitution using the zebra system at political party nomination level.

LEGAL AND POLICY ANALYSIS

International and regional framework on women's political participation

Various human rights and political instruments provide for women's right to political participation at both the international and regional level. Zimbabwe is party to several of these instruments, and it has an obligation to incorporate all international conventions, treaties and agreements into national legislation in terms of Section 34 of the Constitution of Zimbabwe. It should however be noted that Zimbabwe adopts a dualist approach to the implementation of international treaties. This means that international treaties need to be domesticated through parliamentary approval and an Act of Parliament before they are part of our domestic law.¹

Table 1: International and regional framework on women's political participation

Key :

	Compliant
	Partially-compliant
	Non-compliant

Instrument	Relevant provision(s)	Main legal obligation(s)
Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	Articles 5, 7, 18	<ul style="list-style-type: none"> To eliminate discrimination against women in the political and public life To eliminate prejudices and customary and all other practices which are based on the inferiority or the superiority of either sexes or the stereotyped roles for men and women
Convention on the	Articles 1,	<ul style="list-style-type: none"> Women are entitled to vote in all elections on equal terms

Political Rights of Womenⁱⁱ (CPRW) (1952)	2, 3	<p>with men</p> <ul style="list-style-type: none"> • Women shall be eligible for election and public office
African Charter on Democracy, Elections and Governanceⁱⁱⁱ (ACDEG) (2007)	Articles 2, 8, 29, and 30	<ul style="list-style-type: none"> • To promote participation and representation of women • To promote representative systems of government
Protocol to the African Charter on the Human and People's Rights on the Rights of Women in Africa^{iv} (Maputo Protocol)(2003)	Articles 2, 8(f), 9 and 11	<ul style="list-style-type: none"> • To take positive action to promote participative governance and ensure participation of women through affirmative action, enabling legislation and other measures
SADC Protocol on Gender and Development (2008) and (SADC PGD) (2016)^v	Articles 2.1, 4, 5, 12, 13, and 32	<ul style="list-style-type: none"> • Enshrines gender equality and equity in the Constitution • States are to ensure that these rights are not compromised by any provisions, laws or practices • Member States to improve the representation of women in government and all decision making in public, private and social spheres to at least 50%
Convention on the Rights of Persons with Disability (CRPD) (2006)^{vi}		<ul style="list-style-type: none"> • All PWD must enjoy all human rights and fundamental freedoms
Universal Declaration of Human Rights (UDHR)		<ul style="list-style-type: none"> • To respect, protect and fulfil human rights.
International Covenant on Civil and Political Rights (ICCPR) (1966)^{vii}	Article 3 and 25	<ul style="list-style-type: none"> • To ensure men and women's equal participation in public life.
Beijing Declaration and Platform for Action (1995)	Section 190(b)	<ul style="list-style-type: none"> • To take measures that encourage political parties to integrate women in elective and non-elective public positions in the same proportion and at the same levels as men
Sustainable Development Goals (SDGs) (2015-2030)	SDG 5 and 10	<p><i>SDG 5: Achieve gender equality and empower all women and girls</i></p> <ul style="list-style-type: none"> • To Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life (SDG 5.5) • To adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels (SDG 5.c) <p><i>SDG 10: Reduce inequality within and among countries</i></p> <ul style="list-style-type: none"> • To empower and promote the social, economic, and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion, or economic or other status by 2030 (SDG 10.2)

		<ul style="list-style-type: none"> To ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies, and practices and promoting appropriate legislation, policies, and action in this regard (SDG 10.3)
United Nations Economic and Social Council Resolution (1990/15)		
United Nations General Assembly resolution on women's political participation 2003 (A/ RES/58/142)		
2011 United Nations General Assembly resolution on women's political participation (A/ RES/66/130)		

Table 2: Domestic legal and policy framework on women's political participation

	Compliant
	Partially-compliant
	Non-complaint

Instrument	Category and provision(s)	Main legal obligation(s)
Constitution of Zimbabwe	Political rights S 67	<ul style="list-style-type: none"> Provides for every Zimbabweans right to free, fair and regular elections and to freely make political choices; every citizens right to form, join and participate in a political party of their choice; if above the age of 18, to vote in all political processes in secret; and to stand for election for public office
	Equality and non-discrimination S 56(2) S 56 (3) S 56(6)	<ul style="list-style-type: none"> Provides for women and men's rights to equal opportunities in the political sphere
		<ul style="list-style-type: none"> Provides for every person's right to non-discrimination, including on the basis of sex, gender, disability or political opinion Provides an obligation on the State to take 'reasonable legislative and other measures to promote the achievement of gender equality and to protect or advance people of classes of people who have been disadvantaged by unfair discrimination
	Principles of Electoral system S 155 (1) (a-c) S 155 (2)(b – e)	<ul style="list-style-type: none"> Provides for the principles of electoral systems
		<ul style="list-style-type: none"> Provides for the State's obligation to ensure that every citizen that is eligible to vote, including voters with disabilities or special needs vote; and that all political parties and candidate have access to material, information and media
Gender Equality S 17	<ul style="list-style-type: none"> Provides for the States' obligation to promote full gender balance in Zimbabwean society Mandates the State to promote women's full participation in all spheres of society on a basis of equality with men Requires the State to take all measures, including legislative measures to ensure equal representation of both genders in all institutions and agencies of government and; to ensure that women constitute at least half the membership of all Commissions and other elective and appointed governmental bodies Obliges the State to take practical measures to ensure that women have access to resources, including land, on an equal basis with men 	
Temporary Special	<ul style="list-style-type: none"> Provides for a reserved seat quota of 60 additional seats for women 	

	Measures S 124(1)(b)	from the 10 provinces in the Lower House of Parliament for the first two lives of Parliament through a system of proportional representation
	Rank order placement rules S 120(2)(b)	<ul style="list-style-type: none"> Provides for Senators to be elected under a party-list system of proportional representation in which male and female candidates are alternated and every list is headed by a female candidate
	Zimbabwe Gender Commission S 245 and 246	<ul style="list-style-type: none"> Its responsibilities include monitoring and ensuring gender equality, investigating violations relating to gender, recommending affirmative action programmes to achieve gender equality and securing appropriate redress where rights relating to gender have been violated
	Other key provisions S 52, 61, 62	<ul style="list-style-type: none"> Provide for the right to personal security, freedom of expression and the media, and the right of access to information
Electoral Act [Ch 2:13]	S 3(b)	<ul style="list-style-type: none"> Provides for every citizen's right to participate in government without distinction on various grounds, including gender or disability; to participate in the activities of a political party of choice; and to participate in peaceful political activity intended to influence government's composition and policies
	S 5(d)(1)	<ul style="list-style-type: none"> The Zimbabwe Electoral Commission is responsible for ensuring the gender is mainstreamed in electoral processes
Political Parties (Finance) Act [Ch 2:11]	S 5	<ul style="list-style-type: none"> Political parties that obtain at least 5% of the total number of votes in the most recent election qualify to receive public funding. Provides for the right of political parties, candidates and members to receive donations, save from foreign sources Fails to provide for gender-targeted funding, or for finance campaign as an incentive for gender equality
National Gender Policy 2013 – 2017		<ul style="list-style-type: none"> The 2013 – 2017 Policy addressed shortcomings of the previous policy and emerging issues. It was revised to include action points from the Beijing Platform for Action in 1995 such as Gender, Constitutional and Legal Rights, Gender and Empowerment, and Gender in Politics and Decision Making^{viii}

MALE DOMINANCE VS FEMALE SOLIDARITY

The under representation of women is deeply rooted in a patriarchal system that has evolved from pre-colonial, colonial to post-colonial era. Patriarchy refers to a system or organisation (political, economic, religious or social) that associates authority and leadership primarily with males and in which males fill the vast majority of the authority. (Akaita, 2010). This has become a hegemony. It is argued that women in pre-colonial era held positions of influence in the African traditional society. Important consultations and decisions were done to women and by women. Colonialism brought in the definition of women through the institution of family and marriage, while men maintain individualised and are defined through public institutions. (Janeway, 1980). This definition today, has seen women themselves reinforce gender stereotypes by supporting men against women potential leaders. Respondents in Harare alluded to this issue as a new phenomena that patriarchy has taken and as women “we refuse to be used by other women to forward the male dominance agenda. “The lack of female solidarity has

weakened the women as role models for other women. The relegation of women in subordinate positions or limited roles in leadership is not a cultural context but a product of colonialism which we should shun and pride in our culture.

ELECTION VIOLENCE AGAINST WOMEN

The women who have manoeuvred the political landscape since early 1980s have either come from a place of privilege, that is member of the liberation war struggle or they have a husband or male relative who is powerful in the ruling party structures to provide protection and finances to campaign for political or public office. Most women must go an extra mile to participate in politics. Women contesting against men has come with much hate speech on women. Women are seen as *unruly* and



ungovernable and action needs to be taken to bring them back in line. The common statement labelled women candidates is sex worker or *hure*. These attacks on women's moral status is verbal and psychological abuse that aims to destroy confidence and dignity of person. The violence has escalated to physical violence were women are beaten, abducted and disappear for expressing their political affiliations and challenging men in decision making positions. Other circumstances are what is referred to as *sextortion* were women are asked to provide sexual favours in return for job, positions, medical care, services and contracts(TIZ,2019). The male chauvinism is more expressed were single women challenge men in the political sphere .Men tend to apply the old strategy called *misogyny* were they attack single women candidates for their lack of husbands to weaken them in the political space.(Hamandishe,2018). Violence against women is thus structural in nature. It has become institutionalised and normalised in electoral and political party systems. (Padare, 2020). The problem begins in the home where husbands are not comfortable with women in the public sphere. At the political party structures, there are no policies that protect candidates against politically motivated violence, hate speech and sexual harassment. The 2018 elections are a typical example of how the mechanism to sexually harass and exploit women in the media to the extent that is became cyber violence, resulted in the reduction of women representation in all political structures from 34% in 2013 to 31% in 2018 despite having a quota system in place.

WOMEN'S ECONOMIC EMPOWERMENT

Access to, control and ownership of resources is heavily skewed in favour of men. To become recognised and a respected leader in Zimbabwe you need to offer resources to the people. Women candidates lack resources against their male counterparts. Campaign finances are available at political parties through the Political Parties Finance Act but are mainly utilised by men than women. Candidates under the First Past the Post System are better positioned to access the finances as they are representing the party in a constituency. However, candidates under Proportional representation which is mainly the women quota must finance themselves to be nominated at party level. In 2018 the approach taken by most parties was to relegate women to the quota. Very few women campaigned representation a constituency and received funding. Padare research depicts that most female candidates lost because of vote buying that their male counterparts were practising. As an affirmative action initiative, the Government should seek

donor funds that can be channelled through the public finance system to support female candidates. Gender roles and responsibilities take upon women's time to look for resources and campaign effectively. Women on average spend 49,7 hours per week as opposed to 26,7 hours by men, caring for children, sick people, domestic chores and elderly family or relatives. (Zimbabwe SADC Gender Protocol Barometer, 2018). The burden of unpaid care work is a cost to women's economic productivity and national development of the Country. National budgeting including political party budgeting should include in policy and embrace the concept of gender responsive budgeting so there is equitable distribution of resources.

IMPACT OF WOMEN LEADERSHIP IN ZIMBABWE

Women leaders in Zimbabwe belonging to the gender machinery institutions; Zimbabwe Women Parliamentary Caucus, Ministry of Women Affairs and Zimbabwe Gender Commission with support from the women's movement in Zimbabwe have advocated for recognition of women rights as enshrined in the CEDAW, Maputo Protocol, SADC Gender Protocol and SDG 5 on gender equality. Domestication of gender equality in the Constitution of Zimbabwe, family laws that provide equality in marriage, divorce and at death of a spouse, protection against sexual gender based crimes, affirmative action programs in education system that has seen the girl child excel to tertiary institutions. Affirmative action in employing female candidates has increased women in the formal employment and the centre of excellence program that has seen local authorities practise gender responsive service delivery. There is great potential in having a pool of empowered women leaders as it empowers everyone and all sectors of the nation.

RECOMMENDATIONS AND BEST PRACTICES

Domestication of outstanding instruments and holistic legislative reforms

Specific recommendations

- Domestication of outstanding international human rights and political instruments that include the CEDAW, CPRW, ACDEG, Maputo Protocol, SADC PDG, CRPD, UDHR, ICCPR, Beijing Platform for Action, the SDGs and the UN SC Res 1325.
- Alignment of the Electoral Act [Ch 2:13] and other relevant legislation to outstanding constitutional provisions relevant for women's political participation (S67, S56(2, 3 and 6), S155(1)(a-c), S155(2)(b-e), S17, S245, S246, S52, S61, S62, S3(b), S(5)(d)(1), S(5)).

Implementation of constitutional provisions on gender equality and other relevant provisions on women's political participation

Use of Temporary Special Measures (TSM) with compliance and enforcement mechanisms

These are 'policies adopted and implemented to increase women's access to political participation and decision-making to overcome structural barriers that women face in male-dominated electoral politics [...].'^{ix} Globally, the use of quotas has proved to be the most effective of the TSMs; however, in order to be effective, they require specific targets, rules and compliance and enforcement mechanisms.

Specific recommendations:

- Enact legislation to facilitate and enforce the constitutional provisions on gender equality

- Adopt enforcement mechanisms and sanctions for non-compliance to ensure gender parity in all appointments in all tiers of government
- Adopt mandatory legislated candidate quotas that stipulate a mandatory minimum percentage representation of the genders for all elective positions in all tiers of government
- Mandate a specific entity with the responsibility of enforcement
- Promote and provide incentives to businesses and other entities to ensure women's participation and representation in leadership and decision making structures
- Fully implement the relevant constitutional provisions relevant to women's political participation (S67, S56(2, 3 and 6), S155 (1)(a-c), S155(2)(b-e), S17, S245, S246, S52, S61, S62, S3(b), S(5)(d)(1), S(5)).

•
See Case Study 1: Use of TSMs in electoral institutions - UNITED MEXICAN STATES

Regulation of political parties

In order to ensure compliance with inclusivity, participation and gender responsiveness, political parties ought to be regulated.^x

Specific recommendations:

- The Electoral Act [Ch 2:13] must be amended to legislate political party adherence to gender responsiveness; including:^{xi}
 - legally obligating political parties to ensure equal gender representation and participation as candidates in elections
 - legally mandating ZEC to administer the registration and nomination of electoral candidates
 - legally mandating ZEC to promulgate regulations that ensure gender equality in the registration and nomination of voters and candidates
- The Political Parties (Finance) Act [Ch 2:11] must be repealed and a new comprehensive law must be enacted to regulate the registration of political parties, to govern the funding of political parties and to regulate political parties' and politicians' conduct^{xii}In terms of this new comprehensive law, all political parties must:
 - be encouraged to specifically engage and educate women on their right to political participation
 - be explicitly obliged to create a conducive environment for women's equal access to political office
 - be legally mandated to reflect gender balance in their governing bodies

See Case Study 2: Political parties' regulation and legislating political party adherence to gender responsiveness REPUBLIC OF KENYA

Public financing for female political candidates

Access to public finance affects women's ability to compete against opponents that have access to campaign finance and resources. Campaign finance legislation must promote women's meaningful participation in elections and politics, and it should be used to incentivise political parties to adhere to gender equality provisions, or to sanction non-compliance. This can be achieved through the following options:

- limiting campaign budgets through legislation

- establishing TSM in campaign finance legislation as an incentive for political parties that increase women’s representation in their candidate lists
- sanctioning political parties that have low levels of women’s representation^{.xiii}

Specific recommendations:

- Enact a new law that governs political parties, and uses campaign finance legislation to enhance women’s access to public finance and uses sanctions against non-compliance.^{.xiv}
The law should include provisions that:
 - promote the use of voluntary political party quotas
 - require the Government of Zimbabwe (GoZ) to provide funding to independent female political politicians;
 - require political parties to earmark a percentage of funds towards increasing and supporting women’s political participation
 - allocate public funding based on the level of gender equality demonstrated by each political party.
 - lower or waiver the candidate registration fees for women.
 - impose ceilings for campaign spending
 - grant regulatory oversight powers to ZEC to enable it to monitor electoral finance issues and undertake verification of spending by political parties. ZEC should be bestowed with powers to provide incentives for political parties that exceed the minimum threshold of female nominees, and imposing punitive measures on political parties that fail to do so.
 - legislate regular auditing of political parties' and candidates' electoral accounts (sources and expenditures).

See Case Study 4 – Use of campaign finance legislation to enhance women’s access to public finance - BURKINA FASO,^{.xv} IRELAND^{.xvi}

Legislative reforms to ensure gender equality beyond the quota system

Research shows that the Proportional Representation electoral system is the most effective system for women’s representation at all levels of governance.^{.xvii} In order for political party candidate lists in Proportional Representation systems to be broadly representative of the population, they are more likely to include women.^{.xviii} In addition, political parties in Proportional Representation systems are responsible for campaign costs.^{.xix} This makes them more conducive for electing women and for the application of gender quotas.^{.xx} This is contrary to the situation in Majority electoral systems, which require self-funding; thus placing women at a disadvantage to their male counterparts. In addition, because only one seat is available, men are more likely to be nominated by political parties in Majority systems as they are broadly viewed as ‘more acceptable candidates.’^{.xxi}

Specific recommendation:

- Adoption of the List Proportional Representation electoral system for all elections at all tiers of government

Gender mainstreaming in key governance and political institutions

This entails examining government structures to assess the extent to which they meet women's needs, 'or whether there are gendered assumptions or biases. Key government structures that should be gender sensitive include Electoral Management bodies, legislative review bodies, monitoring bodies, implementation bodies, tribunals and bureaucratic structures.

Specific recommendations:

- Bestow the mandate of overseeing gender mainstreaming in key governance and political institutions on a particular entity. Ensure that the entity is guaranteed accountability and transparency, that it has independent and direct access to all government institutions and that it has the authority and resources to initiate and implement policy
- Key institutions that should be targeted for the gender mainstreaming include the Executive, the Judiciary, the Legislator, the Zimbabwe Electoral Commission (ZEC), Political Parties and Law Enforcement
- Appoint / enhance the effectiveness of institutional gender focal points to ensure leadership and co-ordination

Gender mainstreaming in the Zimbabwe Electoral Commission (ZEC)

Key issues that should be addressed include (i) Elimination of Violence against Women in Elections and Politics (VAWE/P), (ii) Role of ZEC in ensuring compliance of political party lists with gender provisions, and (iii) Power to develop gender responsive regulations.

- The electoral law framework should place a clear obligation on ZEC to play a specific role in the elimination of VAWE/P. Suggested roles include the development of regulations on the prohibition of VAWE/P, empowering ZEC to impose punitive measures on electoral actors that are involved in acts of VAWE/P with clear penalties, empowering ZEC to monitor and report on cases of VAWE/P; and to take preventative measures against VAWE/P.
- The electoral law framework should place a clear obligation on ZEC to review political party lists for purposes of ensuring compliance with the constitutional provisions on gender. ZEC should be empowered to impose punitive measures for non-compliance, as well as incentives for adherence.

Political will and political commitment to eradicate all forms of Violence against Women in Elections and Politics (VAWE/P)

Legislative action to address VAWE/P can be achieved through developing new stand-alone laws to address VAWE/P (Bolivia),^{xxii} infusing VAWE/P concepts into existing legislation that seeks to eliminate VAW (*City of Mexico*);^{xxiii} or including VAWE/P provisions in Electoral or Penal Codes (*United Mexican States*)^{xxiv}

Specific recommendations:

- In the short term, amend the Electoral Code to explicitly prohibit VAWE/P during all stages of the electoral cycle^{xxv}
- In the short to medium term, repeal the Domestic Violence Act [Ch 5:16] and enact a comprehensive law that seeks to eliminate VAW in both the public and private sphere^{xxvi}

See Case Study 3- Legislating the prohibition of VAWE/P – UNITED MEXICAN STATES

Women with Disabilities (WWD)

Specific Recommendations:

- Promote the representation of WWD by Disabled Persons Organizations, and adjusting physical infrastructure to improve physical accessibility of the elections and other political processes.
- Fully domesticate the provisions of the CRPD that provide or the political rights of WWDs
- Amend Section 59 of the Electoral Act [Ch 2:13] to provide for all forms of disability as comprehensively defined in the Seventh Schedule to the Act and enable WWD to declare any disabilities they have during voter registration.^{xxvii}
- ZEC should collect data disaggregated by sex and disability to enable development of necessary policies and measure the achieved progress.^{xxviii}
- ZEC should establish procedures and facilities for persons with visual impairment to vote without the assistance of others.^{xxix}
- ZEC should develop a Disability Policy, which, amongst other things, encourages increased participation of PWDs and WWDs, adopts the use of mobile and postal voting , and includes WWD as election support staff.^{xxx}

See Case Study 5: Promoting the representation of WWD by Disabled Persons Organisations and adjusting physical infrastructure - MAURITIUS, GHANA, DEMOCRATIC REPUBLIC OF CONGO, SOUTH AFRICA

Lack of access to media and negative portrayal of women

Specific recommendations:

- Conduct training on gender responsive media coverage for all forms of media, at all levels
- Develop mechanisms to ensure equal, responsible and positive portrayal of women in politics, and particularly in elections and women’s electoral concerns
- Amend the Electoral Act [Ch 2:13] to confer the ZEC and the ZMC with the authority to enforce the media’s legal obligations to ensure fair, balanced and responsible media coverage of elections and treatment of all candidates.^{xxxi}
- Amend the Electoral Act [Ch 2:13] to confer ZEC with compliance and enforcement powers over the media.^{xxxii}

See Case Study 6: Mechanisms for equal and positive portrayal of women in politics - SOUTH AFRICA, ETHIOPIA AND EAST TIMOR^{xxxiii}

Advocacy and community outreach promoting women’s political participation

Specific recommendations:

- The proposed legal reforms should be accompanied by public education, awareness raising, training and advocacy on gender equality, human rights and women’s right to

political participation by relevant Civil Society Organisations, Women's Human Rights Defenders, Independent Commissions Supporting Democracy and political parties.

- Key targets for such initiatives include policy makers, political parties, the national gender machinery, the media, community leaders, members of the public and the youth. The methods that should be employed should include both formal and informal education methods that are appropriate for influencing societal change. A wide range of approaches and media platforms should be employed for the public education, awareness raising and advocacy. Effective approaches include the use of social media and other information technology platforms.^{xxxiv}
- Other forms of advocacy efforts that can be employed include public interest litigation, the use of constitutional petitions and judicial activism.

Use of Human Rights treaty mechanisms, and the creation of platforms to discuss women's political participation

- Civil society organisations, Women's Human Rights Defenders and other actors that represent the interests of women should make use of the human rights treaty mechanisms at both the international and regional level to advance the case of women's right to political participation.
- Periodic platforms should be created to discuss women's political participation.

Education and economic emancipation of women **Specific recommendations:**

- The GoZ should improve women's access to education, and promote the economic emancipation of women. This will enhance women's ability to meaningfully participate in politics.^{xxxv}

ⁱ327(2) of the 2013 of the Constitution of Zimbabwe.

ⁱⁱ Acceded 5 June 1995.

ⁱⁱⁱ Signed March 2018, yet to be ratified.

^{iv} Acceded 15 April 2008.

^v Ratified in 2008.

^{vi} Acceded September 2013.

^{vii} Acceded 13 May 1991.

^{viii}Padare Men's Forum on Gender, 'Situational Analysis of Women's Political Participation in Zimbabwe', p34

^{ix} ACE Project: The Electoral Knowledge Project 'Gender and Elections', <<http://aceproject.org/ace-en/topics/ge/ge2/ge22/key-concepts-about-temporary-special-measures>>.

^xKonrad Adenauer Stiftung, 'Legal Framework for Political Parties in Selected Countries of Sub-Saharan Africa', p7.

<https://www.kas.de/c/document_library/get_file?uuid=735c449b-fd52-c43f-6f58-403a818d3be9&groupId=252038>. Also see Article 21, paragraph 1 of the German Constitution.

^{xi}Ibid.

^{xii}Women and Law in Southern Africa, 'Discussion Paper on the Development of a Model Gendered Electoral Law Framework,' at 60.

^{xiii} Ibid at 29.

^{xiv}Ibid.

^{xv} Burkina Faso has a bicameral parliament with legislated quotas for the single/lower house and at the sub-national level. 17 of 127 (13%) seats in the Assemblée nationale/National Assembly are held by women. See IIGQDB, Burkina Faso. <<https://www.idea.int/data-tools/data/gender-quotas/country-view/61/35>>. Also see 'Law no. 010-2009/AN of 16 April 2009 on Quotas for Legislative and Local Elections in Burkina Faso.'

^{xvi}Ireland has a Bicameral parliament with legislated quotas for the single/lower house. 36 of 160 (23%) seats in the Dáil Éireann/House of Representatives are held by women. See IIGQDB, Ireland. <<https://www.idea.int/data-tools/data/gender-quotas/country-view/143/35>>.

^{xvii} WEDO, 'Barriers to Women's Representation: Electoral Systems'. Also see EF Zvobgo & C Dziva 'Practices and challenges in implementing women's right to political participation under the African Women's Rights Protocol in Zimbabwe' (2017) 1 African Human Rights Yearbook 60-81 <http://doi.org/10.29053/2523-1367/2017/v1n1a4>

^{xviii}International Foundation for Electoral Systems, USAID, 'Gender Equality and Election Management Bodies: A best practices Guide', p. 26. <https://www.ifes.org/sites/default/files/gender_equality_and_emb_best_practices_guide_final_2.pdf

^{xix}IKnowPolitics, 'Funding for Women Candidates' Discussion 15 May – 19 June 2018', <<https://www.iknowpolitics.org/en/discuss/e-discussions/funding-women-candidates>>.

^{xx} Thames, Frank C., Understanding the Impact of Electoral Systems on Women's Representation (May 10, 2016). Forthcoming, Politics & Gender. <<https://ssrn.com/abstract=2597248>> or <http://dx.doi.org/10.2139/ssrn.2597248>>.

^{xxi} IFES (n xii) at 26.

^{xxii} *Bolivia's Law against Harassment and Gender-based Political Violence* – criminalises gender-based harassment and political violence, defines 17 acts of VAWP, outlines sanctions, establishes mechanisms for prevention, treatment and punishment of harassment / VAWP, requires authorities to report acts of VAWP to Public Prosecutor.

^{xxiii} See Mexico's General Law of Women's access to a Life Free of Violence, at http://www.summit-americas.org/brief/docs/Law_on_access_to_a_life_free_violence.pdf.

^{xxiv} insert

^{xxv} Women and Law in Southern Africa, 'Discussion Paper on the Development of a Model Gendered Electoral Law Framework,' at 60.

^{xxvi} Ibid at 63.

^{xxvii} IMT Discussion Paper on the outstanding alignment issues in the Electoral Act [Ch 2:13]

^{xxviii} Zimbabwe Election Support Network, Fact Sheet on Disability and Elections, available at <https://www.zesn.org.zw/publications/>, accessed 31/7/20.

^{xxix} Ibid.

^{xxx} Ibid.

^{xxxi} IMT, 'Discussion Paper on the outstanding alignment issues in the Electoral Act [Ch 2:13]',

^{xxxii} Ibid.

^{xxxiii} Women and Law in Southern Africa, 'Discussion Paper on the Development of a Model Gendered Electoral Law Framework,' at 43.

^{xxxiii} EF Zvobgo & C Dziva 'Practices and challenges in implementing women's right to political participation under the African Women's Rights Protocol in Zimbabwe' (2017) 1 African Human Rights Yearbook 60-81 <http://doi.org/10.29053/2523-1367/2017/v1n1a4>

^{xxxiii} Courage Mlambo & Forget Kapingura | Richard Meissner (Reviewing editor) (2019) Factors influencing women political participation: The case of the SADC region, Cogent Social Sciences, 5:1, DOI: [10.1080/23311886.2019.1681048](https://doi.org/10.1080/23311886.2019.1681048)

ANNEXURES: List of Case Studies

Case Study 1: Use of TSMs in electoral institutions

UNITED MEXICAN STATES – (Mixed Member Proportional Representation) Women constitute 48% of its Lower House of Assembly

Legislated candidate quotas	<ul style="list-style-type: none"> • The Electoral Code mandates political parties to guarantee that at least 40% of candidates on lists for the PR and constituency elections are of the same gender
Rank order / placement rules	<ul style="list-style-type: none"> • Each segment of 5 candidates must have 2 candidates of each sex for the PR elections in the Lower House. • The candidates should alternate between each sex. • Rank order / placement rules apply at all levels – sub-national, Lower House and Upper House
Enforcement mechanisms for political parties	<ul style="list-style-type: none"> • Rejection of party lists that fail to comply with the legislated gender requirements • Parties that fail to comply have 48 hours to rectify their candidate lists. • General Council of the Federal Electoral Institute has the power to publicly reprimand parties that remain non-complaint • Parties are granted additional 48 hours to rectify the list; lists are rejected if parties remain non-compliant after 24 hours • Sanctions or incentives based on Campaign Finance Legislation • Political parties obligated to ear-mark funds or capacity-building of women.

Case Study 2: Political parties’ regulation and legislating political party adherence to gender

responsiveness REPUBLIC OF KENYA – Women hold 22% of seats in National Assembly

Elections Act	<ul style="list-style-type: none"> • IEBC required to examine party candidate lists and determine numbers required for parties to comply with the 2/3rds gender rule. • IEBC required to review political party nomination rules to ensure compliance with election regulations
Electoral Code of Conduct	<ul style="list-style-type: none"> • Promotes a free and peaceful campaign devoid of violence and intimidation. • Code requires parties to prohibit discrimination and commit to gender equality • Mentions women’s political rights as candidates and voters, and women’s rights to communicate freely and to freely access any public political events • Obliges referendum committees, candidates and agents to ensure the security and full participation of women. These stakeholders must facilitate women’s full participation in political activities
Political Parties Act	<ul style="list-style-type: none"> • Governing bodies of all political parties are required to reflect gender balance. • Same gender may not constitute more than two-thirds of a party. • Political parties must promote gender equity and gender equality. • Parties with governing bodies that constitute more than two-thirds don’t qualify to receive funding. • 30% of Political Parties Fund is earmarked for promoting women’s representation. • Office of Registrar of Political Parties monitors adherence to principle of inclusion. • Parties that fail to comply with inclusion provisions are deregistered.

Case Study 3- Legislating the prohibition of VAWE/P – UNITED MEXICAN STATES

Infusing VAWE/P concepts into existing elimination of VAWE/P laws	<ul style="list-style-type: none"> • City of Mexico has a <i>Local Law of Women's Access to a Life Free of Violence Law</i> that incorporates a wide definition of Gender-Based Political Violence. • The law protects women in various capacities, and promotes women’s political rights throughout the electoral cycle.
Electoral and Penal Codes	<ul style="list-style-type: none"> • The National Electoral Institute and the Federal Electoral Tribunal developed a ‘Protocol to Attend to VAWP’. • The protocol defines VAWP and outlines victims’ rights and duty bearer’s responsibilities. • EMB has duty to: <ul style="list-style-type: none"> ○ gather and publish data on VAWP ○ Ensure party documents and practices do not promote VAWP ○ Oversee air distribution of party finances ○ Hear and adjudicate cases of VAWP

Case Study 4 – Use of campaign finance legislation to enhance women’s access to public finance - BURKINA FASO,^{xxxiii} IRELAND^{xxxiii}

Use of campaign finance legislation as a sanction	<p><i>Burkina Faso</i></p> <ul style="list-style-type: none"> • Article 5 of the Law on Quotas sanctions political parties that fail to comply with the quota requirement with a 50 % reduction in public funding for election campaigns. • These penalties apply to both the National Assembly and the Sub-National Level. <p><i>Ireland</i></p> <ul style="list-style-type: none"> • Political parties will lose 50 % of their state funding unless their candidate lists are composed of at least 30 % women and 30 % men.^{xxxiii}
Use of campaign finance legislation as an incentive	<p><i>Burkina Faso</i></p> <ul style="list-style-type: none"> • The Law also rewards political parties that comply or exceed the 30 per cent quota with additional funding in terms of the regulations for public funding of political parties. <p><i>Ireland</i></p> <ul style="list-style-type: none"> • To receive full state funding, political parties should have a 40 % gender quota in their candidate lists after 7 years.^{xxxiii}

Case Study 5: Promoting the representation of WWD by Disabled Persons Organisations and adjusting physical infrastructure - Mauritius, Ghana, Democratic Republic of Congo, South Africa

<i>Representation of WWD by Disabled Persons Organisations</i>	<i>Mauritius</i>	Non-governmental organisations working in the disability sector represented people with disabilities at the National Implementation and Monitoring Committee on the UNCRPD. ^{xxxiii}
	<i>Ghana</i>	Voice of People with Disability Ghana created a Situation Room on election day in 2012 to monitor and address accessibility of polling stations. ^{xxxiii}
<i>Adjustments of the physical infrastructure to improve physical accessibility of the elections and other political processes</i>	<i>Democratic Republic of Congo</i>	Voter registration is carried out on the ground floors of schools to ensure accessibility by PWD. ^{xxxiii}
	<i>Mauritius</i>	Ramps were installed in all polling stations and booths that are the height of wheelchairs were provided. ^{xxxiii}
	<i>South Africa</i>	Voter registration officers could register or amend their registration details of PWD’s from their homes at their request. ^{xxxiii}

Case Study 6: Mechanisms for equal and positive portrayal of women in politics - South Africa, Ethiopia and East Timor^{xxvii}

<i>Enforcement / compliance mechanism to ensure balanced political party and candidate coverage</i>	<i>South Africa:</i>	Section 3 of Schedule 2 of the South African Electoral Act.
<i>Codes of Conduct for Media</i>	<i>Ethiopia</i>	These should include guidelines for coverage of the electoral process, and oblige journalists to abandon gender stereotypes and promote gender sensitive reporting, and report on needs and interests of both women and men
<i>TSMs in media to incentivize political parties to nominate women candidates</i>	<i>East Timor</i>	The law should provide a framework to ensure that financial cost is not a barrier for women to gain media coverage