



ZIMBABWE ELECTION SUPPORT NETWORK

Election Observation: A Gender Perspective.

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Introduction

Election observation is a valuable tool for improving the quality of elections and helps build public confidence in the honesty of electoral processes. It can highlight on possible areas where the electoral process could be flawed thereby helping to promote the civil and political rights of participants. It can help detect and deter manipulation and fraud where such practices obtain. In the event that observers publish positive reports on a particular election, election observation can help establish trust in electoral management bodies and legitimise both the election results and the government that emerge from the elections. For this reason, all aspects that have a propensity to curtail the democratic participation of any section of the polity have to be scrutinised against the fundamental parameters and guidelines for the successful management and holding of democratic elections. In this breadth, elections have to ensure no member of a society is disadvantaged and hindered from fully participating in the democratic processes of electing and being elected into governance offices. This paper, therefore, advocates that election observation should take note of the issue of gender equality in electoral processes.

Women's full and equal participation and the integration of gender perspectives into all levels of the electoral processes enhance democratic practices in elections and for this reason, election observer missions should be prepared to render an election not free and fair on the basis of significant transgressions of the electoral rights of women. It is my submission that every aspect of the electoral process be observed for its compliance with the general objective of ensuring compliance with international obligations and standards of affording men and women equal opportunities to be electors or candidates in elections. Election observers should therefore look at issues like the legal framework, electoral system, election administration, media and political party operations for ways in which they inhibit or promote the full participation of women in elections.

To give credence to calls for a gendered perspective towards election observation, observer missions should be gender sensitive themselves and more women, unlike the case with both SADC and AU missions now, should have more women occupying top positions in the observer missions.

(A) International Conventions and The Legal Framework

Zimbabwe is signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which offers guidelines on ways on guarding against the discrimination of women. Article 7 of CEDAW which offers some definitive international legal instruments that need to be respected in order to promote the observance of the human rights of women stipulates that “State Parties shall take appropriate measures to eliminate discrimination against women in the political and public life of a country and, in particular, shall ensure to women, on equal terms with men, the rights:

- a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c) To participate in non-governmental organisations and associations concerned with the public and political life of the country.”

On the regional front, Zimbabwe has ratified the African Charter on Human and People’s Rights, of which article 13 states that:

- (1) Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of law.
- 2) Every person shall have the right of equal access to the public service of his country.”

Under the Southern African Development Community (SADC) Declaration on Gender and Development (1997), Heads of State or their Governments have committed themselves and their countries to, among other important issues,

- i) Placing gender firmly on the agenda of the SADC Programme of Action and Community Building Initiative;
- ii) Ensuring the equal representation of women and men in the decision-making of member states and SADC structures at all levels, and the achievement of at least [a] 30 percent target of women in political and decision-making structures by [the] year 2005.”

It is important for observers to also take note that while being signatory to such conventions is one thing, there is need for them to look at other legal instruments operational in the country that hinder the full or even partial implementation of the principles guaranteed by the various conventions. In the case of Zimbabwe, a closer look at the country's constitution reveals that all these conventions are not part of the country's laws. For this reason, there is always the problem of government commitment to enforcing the requirements of the conventions.

“Section 111B [of the Constitution of Zimbabwe] states that no international treaty, covenant or agreement signed and ratified by the Zimbabwean government shall form a part of the local laws unless parliament passes a law making the agreement part of the laws of Zimbabwe. Thus the most important document on women's rights, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), although signed and ratified by the Zimbabwean government in 1991, with no reservations, is not a part of the local law of Zimbabwe.”

What this means is, where women feel they have been short-changed and the government is not observing the provisions of conventions it acceded to, they cannot take it to court. Observers should therefore point out to such acrimonious relations between the country's constitution and the provisions of international conventions that the government is signatory to.

With reference to Zimbabwe, it is not only the relationship between the constitution and the provisions of international conventions like CEDAW that an observer should be acquiesced to. Any election observer mission should also be conversant with the country's constitution and its provisions on the discrimination of women. While section 23, 2(b) guarantees that “no person shall

be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority”, section 23, 3 (b) overrides the guarantee by positing that “the application of African customary law in any case involving Africans where such persons have consented to the application of African customary law supersedes the Roman-Dutch law.” What this effectively means is that, in cases where the application of customary law is called in, there are instances where the discrimination of women is allowed by the constitution. Observer missions then, should look at such issues especially where they are suspected of promoting family voting which can deprive women of their right to cast a secret and independent ballot. Apart from the noted provisions of the constitution and international and regional conventions, observer missions should assess whether there are any legal obstacles that might impede upon women participation in elections as voters, candidates or elected leaders.

(B) Cultural practices

Gender, unlike sex, is a social construction deeply rooted in the ideological philosophies and cultural practices obtaining in societies. For this reason, there is need for observer missions and any body tasked with observing elections to be conversant with the various belief systems in particular societies where elections are taking place in order that various practices that might impeach upon the full and free participation of women in elections are exposed and, at times, redressed so that the democratic will of people is reflected in the electoral process. Observers should, therefore be on the look-out for patterns among particular minority ethnic or religious groups among which women’s participation is lower among the general population. This would serve as important leads to investigation on why such trends are being recorded.

(C) The Electoral System

An electoral system can easily be understood as a way in which votes are translated into seats. There are hundreds of electoral systems currently in use and many more permutations on each form. However, there are three broad families of electoral systems

- Majority –Plurality Systems (First Past The Post/FPTP; Block Vote; Alternative Vote; Two round System)
- Semi –Proportional Systems (Parallel; Limited Vote, Single Non-Transferable Vote/SNTV)
- Proportional representation systems (List PR; Mixed Member Proportional, Single Transferable Vote)

Zimbabwe's electoral system is a "first past the post" system with single member constituencies where the candidate with the most votes wins a seat in the House of Assembly/Senate.

A comparative analysis of democracies around the world shows that an important factor determining the extent of women's participation in national legislatures is the type of electoral system in place. Feminists have, thus, pointed at the electoral system as the most conducive political arena to be changed if gender parity in political representation could be realised. This realisation stems from the apparent malleability of electoral systems compared to cultural systems that promote male dominance. While there is consensus that most electoral systems favour men when implemented, there is considerable agreement that the PR system, where it has been implemented, has resulted in more women being elected than where other systems have been used.

Women have always had a slight advantage in proportional representation (PR) systems compared to other systems. There is a considerable accumulation of comparative evidence that underlines the structural advantages of PR in advantaging women's representation. Of the top 10 countries as of March 1998 in terms of women's representation – Sweden, Norway, Finland, Denmark, the Netherlands, the Seychelles, Germany, New Zealand, Argentina and Austria – all utilized various forms of proportional representation. Several individual country situations, in which electoral systems have been changed, have further emphasized the apparent structural superiority of PR systems. Election observers should, therefore, in their assessment of the elections, take note of the electoral system in place and scrutinise it vis-à-vis its potential of foster gender equality in the electoral process.

(D) Election Administration

The way elections are administered is very important if any legitimacy and credibility is to be derived from the electoral process. A lot of aspects on election administration have to be scrutinised through a gender perspective. I will start with the composition of the electoral management body.

(1) Composition of the EMB

Election observers should take note of the composition of the electoral management body's gender representation. There should be efforts to establish how many women form the highest decision-making structures of the EMB. The recent elections in Sierra Leone have proven how effective a female-headed EMB could be. Observers should therefore analyse the composition of the EMB and make inferences as to whether its composition have an effective on women participation in the whole electoral process.

(2) Voter registration

Voter registration should be premised on the principles of inclusiveness, fairness and comprehensiveness. It should be carried out in ways that should take into account the special needs of different social groups, women included. Election observers should be able to judge whether the process has been mooted, structured and implemented with the needs of women in mind. As we have advocated in our articles in the local media, voter registration should be undertaken after prior consultative meetings with different social groups to cater for their special needs in the process and these group viewpoints should, undoubtedly, incorporate the views of women. Registration centre distribution, operational schedules and opening times should all be operationalised with due cognisance of the special needs of pregnant women and those women rendered immobile by special social obligations like childcare. It is important therefore, that special arrangements should be put in place to cater for women in those categories. Issues like door-to-door voter registration to cater for these women should be some of the things that observer missions should lobby EMBs to take into consideration.

(3) Voter education

Like voter registration, voter education should be done with due cognisance of the special needs of women. Observers should try to establish whether women are involved in the process of designing and dissemination of the voter education materials. It is important that observers critique the content of the voter education materials in terms of its appeal to women voters.

There are important elements that one could look at which include whether the voter education material is in tandem with the literacy levels prevalent among social groups, especially those who are disadvantaged.

(E) Polling procedures

Events on election day are very important in reflecting on whether an election is free or fair. Observer missions should therefore establish the extent to which women participate as polling officers, party agents or presiding officers on election day. It is important in election observation that observers establish the number of women participating in the process as either voters or EMB officials. This helps to establish the extent to which women have been involved in the whole electoral process. Issues like the distribution of polling centres, the composition of the polling officers, party agents, presiding officers and the number of female candidates have to be looked at with gendered eyes in order to establish the extent to which female members of the society have been involved in the running of the election. Polling stations should also be located in neutral places in order not to drive away female voters.

(F) Media

The media plays an important role in disseminating information on the electoral process. It is therefore pertinent that observers analyse the way media organisation treat women voters, candidates and political leaders during the electoral process. In analysing political parties' coverage, it is important for observers to get statistics on the percentage airtime or newspaper space that media organisations devote to female candidates. More often than not observer groups

point out that elections were not free and fair because a particular party was favoured in terms of media coverage by state broadcaster or state press but very little is said about any election being flawed on the basis of skewed media coverage favouring male over female candidates. Election observers should therefore look out on the amount of time and space the media devote to covering women candidates. Emphasis should also be put on scrutinise the media content for attitudes towards women candidates.

(G) Political party operations

While women can do well in the general society in Zimbabwe, in politics, the structures and processes tend to be especially exclusionary, favouring men over women and creating barriers that women have to surmount in order to participate. A multiple approach is therefore important in generating reforms within political parties, creating support systems for women outside and within the parties and sensitising the general populace about the need for a better electoral system that creates and maintains equal opportunities for both men and women to participate in electoral politics in Zimbabwe. Political parties should come up with best laws and practices that enhance women chances of being elected into offices. Quota systems have been used and the Zipping method of coming up with a party list in PR electoral systems have been advocated for to ensure both women and men are accorded the same political opportunities to occupy offices.

Conclusion

All members of an election observation mission should be sensitised to all the issues raised in this paper and should pursue information on women's participation as part of their normal duties. Every meeting with a government official, election administrator, political party representative or other person connected to the election process provides an opportunity to collect information on women's participation and all observers should seize on such opportunities and effectively exploit them. Collecting statistical data can be particularly helpful in analysing women's participation and assessing whether are moving in a positive direction for greater women participation in electoral processes.

