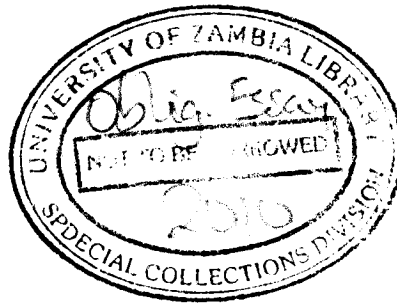


**ZAMBIA DRAWING FROM STRATEGIES USED WITHIN THE SADC
REGION ON THE PROGRESSIVE REALISATION TOWARDS ACHIEVING
GENDER PARITY AT ALL LEVELS OF DECISION MAKING**

BY



**MWAKA CHIZINGA
(29112583)**

**A dissertation submitted to the University of Zambia in partial fulfilment of the
requirements of the degree of Bachelor of Laws (LLB) in the School of law**

April

2010

DECLARATIONS AND COPYRIGHT

I **MWAKA CHIZINGA** (Computer number **29112583**), DO HEREBY declare that the contents of this Directed Research paper are entirely based on my own findings and ingenuity and that I have endeavoured to acknowledge were the work herein is not mine. I further depose to the best of my knowledge that this work has not previously been presented in any university for academic purposes.

I therefore take full responsibility for the contents, errors, defects and omissions that may appear herein.

Accordingly, this work may not be used or reproduced in whole or in part without due acknowledgment or permission of the author hereto.

.....
Signature

Date: April 2010

**THE UNIVERSITY OF ZAMBIA
SCHOOL OF LAW**

I recommend that the Obligatory Essay prepared under my supervision

By

MWAKA CHIZINGA

ENTITLED

**ZAMBIA DRAWING FROM STRATEGIES USED WITHIN THE SADC
REGION ON THE PROGRESS REALISATION TOWARDS ACHIEVING
GENDER PARITY AT ALL LEVELS OF DECISION MAKING**

**Be accepted for examination. I have checked it carefully and I am satisfied that it
fulfils the requirements relating to the format as laid down in the regulations
governing Directed Research Essays.**

DATE: April 2010

SUPERVISOURS'S SIGNATURE

.....

Mrs Mushota L

ABSTRACT

This research seeks to identify the strategies that have been used with the Southern African Development Community region to raise the participation of women in decision making for the purposes of devising collective strategies that can be applied to Zambia. The first chapter identifies the problem and provides reasons as to why this research is significant; facts and figures as they exist on the ground in Zambia are thus provided. The second chapter identifies the absence of women in decision making as a global concern. It looks at the international, regional and sub-regional responses to the participation of women in decision making. The third chapter considers the strategies that have been used within the SADC region to raise the participation of women in decision making and provides an analysis of which strategies have worked. The research concludes by providing recommendations of best practices that can be applied within a Zambian Context.

ACKNOWLEDGMENTS

My supervisor for the guidance provided. Gender Advocacy Programme (Cape Town) for the information provided for the purposes of completing this research and
Zambian Lobby Group for providing vital information and sources for this research.

TABLE OF STATUTES AND UNITED NATIONS DOCUMENTS

African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), *entered into force* Oct. 21, 1986: [excerpts]

Constitution of the Republic of South Africa No 108 of 1996 [Date of promulgation: 18 December, 1996] [Date of Commencement: 4th Feb 1997]

Constitution of the Republic of Zambia (as amended by Act No. 18 of 1996)

Electoral Code of Conduct 2006, Statutory Instrument No 90 of 2006, The Electoral Act (Act No12 2006)

General Assembly Resolution 34/180, 34 UN GAOR. Supp.(No46) at 193, UN Doc. A/34/46, 1249 UNTS 13, 19 LM 33 (1980) Convention on the Elimination on all forms of Discrimination against Women

General Assembly Resolution 2200A [ZZ1] 16 December 1966 International Covenant on Civil and Political Rights (ICCPR)

General Assembly resolution 217 A (III), UN Doc A/810 at 71 (1948) Universal Declaration of Human Rights Nations

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa adopted by the African Union on 11 July 2005 entry into force: 25 November 2005

Southern African Development Community Protocol on Gender and Development (2008) Johannesburg South Africa

LIST OF ABBREVIATION

SADC: Southern African Development Community

CEDAW: Convention on the Elimination of Violence against Women

ICCPR: International Convention on Civil and Political Rights

UDHR: Universal Declaration on Human Rights

ACHR: African Charter on Human and People's Rights

TABLE OF CONTENTS

CHAPTER ONE

Identifying the Problem around the representation of women in decision making:
Facts and Figures

1.1 Introduction.....	p1
1.2 Factual Background.....	p2
1.3 Statement of the Problem.....	p9
1.4 Purpose of the Study.....	p10
1.5 Hypothesis.....	p11
1.6 Significance of the Study.....	p11
1.7 Operational definition of terms.....	p12
1.8 Methodology.....	p13
1.9 Limitations.....	p13
1.10 Research design.....	p13
1.11 Time Table.....	p13

CHAPTER TWO

International, Regional and Sub-Regional Instruments, response to the participation of
women in decision making.....p10

2.1 Introduction.....	p14
2.2 Statistics of the global and regional representation of women in national parliament	p14
2.3 Women's Human Rights Conditions.....	p17
2.4 International, regional and sub-regional responses to the representation of women in decision making.....	p23
2.5 Chapter Conclusion.....	p30

CHAPTER THREE

A study on the strategies used within the Southern African Democratic Community
region to raise the participation of women

3.1 Introduction.....	p32
3.2 Why SADC.....	p32

3.3 General Overview: Strategies and challenges.....p35

3.4 Case Studies.....p42

3.5 Chapter Conclusion.....p52

CHAPTER FOUR

Research Conclusion: Recommendations on best practices

4.1 Introduction.....p53

4.2 What has been learnt?.....p53

4.3 Recommendations.....p54

Chapter 1

Identifying the problem around the representation of women in decision making: Facts and Figures

1.1 Introduction

“Women constitute half of the world’s population and comprise 50 percent of the labour force, yet make up 1 billion human beings living in poverty. Decision making and priority setting continue to be largely in the hands of men. Taking into account gendered perspectives and involving both women and men in decision-making processes are a *sine qua non* of any democratic framework. Hence democracy, by definition, cannot afford to be gender-blind. It must strive towards equality and representation of women and men in decision-making processes and in the opportunities to achieve both these goals.”¹

In order to ensure that the voices of all are heard in the halls of democracy, the levels of decision making should be an accurate reflection of the population. ²It is an inherent human right that women should participate on equal terms with men in the formulation of government policy and ‘the implementation thereof and to public office and perform all public functions at all levels of government.’³

A number of States within the SADC region have taken steps in signing and ratifying a number of international, regional and sub-regional treaties imposing on them a duty to duly abolish all forms of discrimination in all areas including politics, thereby imposing a duty to increase the participation of women within the domain of politics to equal that of men. In spite of this, a number of Countries within

¹ International Institute for Democratic and Electoral Assistance (IDEA), ‘Women in Politics: Beyond the Numbers’ 24 (2005).

² Women’s Legal Centre legal opinion ‘50/50 gender representation in south Africa’ p2

³ General Assembly Resolution 34/180, 34 UN GAOR. Supp.(No46) at 193, UN Doc. A/34/46, 1249 UNTS 13, 19 LM 33 (1980) United Nations General Assembly Convention on the Elimination on all forms of Discrimination against Women (1979) article 7

the region still fail to reach gender parity in Government. There have been a number of worldwide campaigns aspiring to reach gender parity. The international 50/50 campaign was first initiated by the Women's Environment and Development Organisation (WEDO), this campaign has been incorporated and localised in a number of Southern African countries including Zambia, and indeed there has been a slight increase in the participation of women in Government however this still fails to reach the 50/50 target.⁴

This paper proposes to outline strategies used by States within the SADC region in increasing the representation of women at all levels of decision making for the purpose of devising collective examples and recommendations that can be applied within the Zambian context.

1.2 Factual background

(a) Human Rights conditions of Women

It is now over four decades since Zambia became independent however, the human rights of women remain marginalized to a large extent. Although the country is party to a number of human rights instruments advocating for the human rights of women including the Convention on the Elimination of Violence against Women which the Government signed and ratified in July 1980, a multitude of women's human rights are breached.⁵

Major human rights impediments include the prevalence of HIV which affects women disproportionately. The World Health Organisation (WHO) records that in 2008, 60% of people living with HIV in sub-Saharan Africa are women, this problem continues as only 38% of young women have

⁴ Lene Overland and Jane Arnott 'A review of the 50/50 Campaign from 2002 to 2005 and beyond Gender Advocacy Programme, see also Womens Environment and Development Organisation (WEDO) at <http://www.wedo.org/>

⁵ Joanna Bourke-Martignoni, 'Violence against Women in Zambia' Committee on the Elimination of Discrimination against Women 27th session 2-21 June 2002, at www.omct.org/pdf/VAW/ZambiaEng2002.pdf (accessed on 03/10/2009)

comprehensive knowledge of HIV/AIDS as recorded by the 2008 UNAIDS global figures.⁶ Apart from the rate of infection the epidemic affects women disproportionately, a survey in Southern Africa revealed that two-thirds of primary caregivers were female; a quarter of them who were over 60 years old.⁷ This illustrates as stated by WHO, that gender inequality is at the root of the epidemic.⁸

In Zambia, according to the 2007 Zambia Demographic Health Survey (ZDHS) which was conducted as part of the Demographic and Health Surveys programme, the HIV rate is 16 percent amongst women compared to 12 percent among men.⁹

Another major human rights concern is violence against women, which is linked to the problem of HIV, being both a cause and a consequence of the epidemic. Reliable statistics are impossible as most violence perpetrated against women, in particular domestic violence goes unreported.¹⁰ It has however been recorded by studies carried out that, in sub-Saharan Africa between 13 and 49 percent of women are assaulted by intimate partners at some point in their lives (Buvinic, Morrisson and Shifter as cited in Morrison and Biehl 1999; Heise, Ellsberg and Gottemoeller 1999)¹¹.

In Zambia according to the ZDHS results, almost half i.e. 47 percent of all women have experienced violence since they were 15 and one third of women experienced physical violence in the 12 months

⁶ World Health Organisation 'Gender inequalities and HIV' at www.who.int/gender/hiv_aids/en/ (accessed on 29/09/2009) see also UNIFEM 'Facts & Figures on HIV & AIDS' at www.unifem.org/gender_issues/hiv_aids/facts_figures.php#1 (accessed on 29/09/2009)

⁷ UNIFEM 'Facts & Figures on HIV & AIDS' at www.unifem.org/gender_issues/hiv_aids/facts_figures.php#1 (accessed on 29/09/2009)

⁸ World Health Organisation 'Gender inequalities and HIV' at www.who.int/gender/hiv_aids/en/ (accessed on 29/09/2009) see also UNIFEM 'Facts & Figures on HIV & AIDS' at www.unifem.org/gender_issues/hiv_aids/facts_figures.php#1 (accessed on 29/09/2009)

⁹ Central Statistical Office (CSO), Ministry of Health, Tropical Disease Research Centre, University of Zambia and Marco International Inc. 2009. *Zambia Demographic and health survey 2007*. Calverton, Maryland, USA: Macro International Inc

¹⁰ WHO Multi-country Study on Women's health and Domestic Violence against women. Summary report of initial results on prevalence, health outcomes and women's responses. Geneva World Health Organisation 2005, World Health Organisation Press p8

¹¹ International Centre for Research on Women (ICRW) 'Violence against women must stop; towards achieving the third Millennium Development Goal to promote gender equality and empower women' at www.icrw.org/docs/2005_brief_mdg-violence.pdf (accessed on 01/10/2009)

preceding the survey.¹² In addition to this, one in five women reported that they have experienced sexual violence at some point in their lives.¹³

These breaches remain trivialised as the voices of women remain unheard at levels of decision making.

(b) Representation of women in decision making

The last population census recorded that Zambia's de jure population for the year 2000 is 9,885,591 of which 4,946,298 are males and 4,939,293 are females, however the de facto count illustrates that 50.8% of the population are females.¹⁴ In spite of this, the female percentage of the population is not reflected at all levels of decision making.

Since independence the participation of women in decision making remains dismal.¹⁵ The Zambian Association for Research and Development (ZARD) second draft report illustrates the slow increase of women in the cabinet, there has indeed been a decrease in representation, as of 2008 only 5 women of the total number of 26 were cabinet ministers, and only 6 women of 26 members were deputy ministers. In the Legislative wing it is illustrated that since 1964 there has only been a percentage of 7.4% female's elected.¹⁶

Country statistics on the indicators of the Millennium Goals of Development have been provided. In relation to Goal 3, indicator 3.3 on the representation of women in parliament, a table is provided recording the percentage of women represented in parliament over the last 19 years. Zambia recorded the following:

Millennium Development Goals indicators: Percentage Seats held by Women in National Parliament¹⁷

¹² Central Statistical Office, Zambia Demographic and Health Survey 2007, summary of findings

¹³ Central Statistical Office, Zambia Demographic and Health Survey 2007, summary of findings

¹⁴ Central Statistical Office Zambia 'Census data from Zambia' at www.zamstats.gov.zm/census.php (accessed on 23/12/2009)

¹⁵ Zambian National Women's Lobby, Election Monitoring Report 'A Gender Analysis of the 2006 Presidential and General Elections' November 2006 Prepared by The Zambian National Women's Lobby [ZNWL]

¹⁶ Zambian Association for research and development (ZARD) second draft report 'Women in Zambia Political Governance Documenting Women's Representation in the parliament and the executive' pp4-5

¹⁷ The official United Nations site for the MDG Indicators, Millennium Development Goals Indicators: 'Seats held by women in national Parliament, percentage' at www.mdgs.un.org/unsd/mdg/Data.aspx (accessed on 23/12/2009)

	1990	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
e of	9	15	15	16	16	16	19	19	19	19	20	23	24	24

This indicates a marginal increase in the participation of women in parliament far behind what is obligated under international law.

A number of institutional barriers which will be outlined below, act as a contribution to such a marginal representation of women in decision making.

(c) Institutional barriers

Zambia operates under a dual system consisting of statutory and customary law. These two legal systems are in the most part inconsistent. Laws protecting fundamental human rights of women prove futile because customary law is primarily based on patriarchy, premised on the belief that women are inferior to men.¹⁸ Therefore although the Zambian constitution includes a non discriminative clause under article 11 preserving the fundamental rights and freedoms of all human beings regardless of 'race, place of origin, political opinions, colour, creed, sex or marital status'¹⁹ and under article 23 which states that, "a law shall not make any provision that is discriminatory either of itself or in its effect", these non discriminatory clauses collide with article 23 (4) d which expressly preserves customary law.²⁰ In effect a number of discriminatory practices are legitimised under customary law.

Another impediment to women's participation in decision making is the lack of an affirmative action clause; this has proved beneficial in countries including South Africa ²¹which currently boasts a 40

¹⁸ Zambian National Women's Lobby, Election Monitoring Report 'A Gender Analysis of the 2006 Presidential and General Elections' November 2006 Prepared by The Zambian National Women's Lobby [ZNWL] p4

¹⁹ Constitution of the Republic of Zambia (as amended by Act No. 18 of 1996), article 11

²⁰ Constitution of Zambia act article 23

²¹ Pippa Norris 'Breaking the Barriers: Positive Discrimination Policies for Women' Chapter 10 in Jytte Klausen and Charles S. Mailer's editions Has Liberalism Failed Women? Parity, Quotas and Political Representation', (NY: St Martin's Press). Draft 01/01/2000

percentage representation of women. Such a clause allows for laws that favour a particular minority that has been historically disadvantaged.²²

In addition to this Zambia operates under a First Past the Post electoral system, it has been illustrated by a number of studies that such an electoral system is hostile to the participation of women in decision making, rather it has been shown that countries using a Proportional Representation (PR) system have got a higher representation of women in decision making. According to research done by Julie Ballington, two of the three top performing countries in SADC with regard to women's representation in parliament (Mozambique and South Africa) have PR systems and the third top performer, Seychelles, has a mixed system.²³

This is compounded by a gender neutral election law²⁴ which does not facilitate the participation of women in the electoral system. There is thus no explicit instrument to compel political parties to nominate women as candidates for election at all levels of decision making.²⁵

In spite of the above short comings, the Government has not been totally ignorant of the marginal participation of women in decision making. The State has taken a number of steps both international, regional, sub-regional and national illustrating commitments to increasing the participation of women in decision making, these will be considered below.

²² Zambian National Women's Lobby 'A Gender Analysis of the 2006 Presidential and General Elections' p4

²³ Julie Ballington 'The implementation of quotas; African experiences' International Institute for Democracy and Electoral Assistance (IDEA) 2004 p25

²⁴ Electoral Code of Conduct 2006, Statutory Instrument No 90 of 2006, The Electoral Act (Act No12 2006)

²⁵ Zambia's Response to the United Nations Questionnaire on Implementation of the Beijing Declaration and Platform for Action (1995) And the Outcome of the Twenty-Third Special Session of the General Assembly (2000), For preparation of regional review and appraisals in the context of the 15th anniversary of the adoption of the Beijing Declaration and Platform for Action in 2010

(d) Measures in place

Firstly, the Government has taken steps in ratifying both international and regional human rights instruments calling for the participation of women in decision making.

At international level the main instrument is the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) which was ratified by Zambia on the 17th of July 1980, under article 7 the convention calls for, state parties to insure to women on equal terms with men, the right ‘to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies’ and ‘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.’²⁶

Regionally Zambia is a party to the African Charter of Human and People’s Rights which was ratified on the 19th of January 1984. Under article 13 the Charter states that ‘every citizen shall have the right to participate freely in the government of his country’²⁷. In addition to this Zambia has ratified the protocol to the African Charter on Human and Peoples Rights which calls for equal representation of men and women in all election processes.²⁸

Sub-regionally the SADC Gender and Development Declaration, which is a political commitment, supported by all SADC members including Zambia, inter alia offers SADC countries with guidance on the equal participation of women in politics. It directs the leaders to ‘ensure the equal representation of women and men in the decision making of Member States and the achievement of at least thirty percent

²⁶ CEDAW article 7

²⁷ African [Banjul] Charter on Human and People’s Rights, adopted June 27 1981, OAU Doc. CAB/LEG/67/3 rev.5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986 artless 13(1), 13(2) and 2)

²⁸ Christina Holder ‘Zambian Law and Women’s Political Leadership’ April 15, 2009 at <http://www.cardozo.yu.edu/MemberContentDisplay.aspx?ccmd=BlogDisplay&ucmd=UserDisplay&userid=10342&contentid=10614&folderid=2364&clt=Blog> (accessed on 02/01/2010)

target of women in political and decision making structures by 2005'. This declaration was signed on the 8th of September 1997. In addition to this, the SADC Protocol on Gender and Development which is the legally binding version of the equivalent declaration requires governments to 'put in place affirmative action measures with particular reference to women in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life and create a conducive environment for such participation.'²⁹ Importantly the Protocol requires states to 'endeavour that by 2015 at least 50 percent of decision making positions in the public and private sectors are held by women including the use of affirmative action measures.'³⁰

On a national basis the Government has made a couple of political commitments towards raising the participation of women in decision making, in particular the Government created the Gender in Development Division (GIDD), a Cabinet-level office charged with overseeing gender mainstreaming in the national development process in 1996. GIDD promulgated the National Gender Policy (NGP) in 2000. The NGP includes policies that bear directly on the representation of women in decision making for example section 2.17.2 states, 'the Government recognises the need to promote equitable gender representation at all levels of decision making positions through affirmative action, the empowerment and improvement of women's social, economic, and political status.'³¹ In addition to this the government adopted the Strategic Plan of Action (SPA) for the period of 2004-2008) for the implementation of the NGP in 2000. This provides for the implementation of the NGP and other Government commitments on Gender.³²

²⁹ Southern African Development Community Protocol on Gender and Development article 5

³⁰ Southern African Development Community Protocol on Gender and Development article 12

³¹ Christina Holder 'Zambian Law and Women's Political Leadership' April 15, 2009

³² Zambia's Response to the United Nations Questionnaire on Implementation of the Beijing Declaration and Platform for Action (1995) p14

Further more, the Fifth National Development Plan which is a five year plan (2006-2011) will translate national policies into action, this includes a chapter on Gender. The Chapter identifies five areas of priority, including Governance.³³

1.3 Statement of the Problem

The first problem being outlined is that it has been thirty years since the Convention on the Elimination of All Forms of Discrimination Against Women was adopted, yet as identified above the rights of women in Southern Africa are still marginalized to a large extent.

The above facts illustrate that the government has taken some steps to progress the participation of women in decision making, mainly in signing and ratifying international, regional and sub-regional human rights instruments and nationally in adopting gender sensitive policies. However despite the progress as illustrated by the above statistics, the country still fails to live up to its international obligations. It is for this reason that the CEDAW Committee's Concluding Observations at the Committee's 551 and 552nd meetings in June 2002, in considering Zambia's third and fourth periodic report, advised the country to 'redouble its efforts to attain gender equitable political representation,'. It was stated that, 'while welcoming the State party's commitment to achieving 30 percent participation by women in politics 2005, the committee notes with concern that the participation of women in political and public life is limited and that women are underrepresented at all levels of decision-making in Government, parliament, political parties, the private sector, special public service committees and other institutions in the community.'³⁴

³³Zambia Response to the United Nations Questionnaire on the Implementation of the Beijing Declaration and Platform for Action (1995) p2

³⁴Convention on the Elimination of Violence against Women Twenty-Seventh Session, Summary Record of the 551st Meeting, Held at Headquarters, New York, On Tuesday 4 June 2002 at <http://sim.law.uu.nl/SIM/CaseLaw/uncom.nsf/fe005fcb50d8277cc12569d5003e4aaa/20749d84bfd4b1bb41256da90047912d?OpenDocument> (accessed on 3/01/2010)

Secondly following from Catherine Mackinnon's theory on equality, the basis of this is the recognition of the difference between men and women.³⁵ The marginalized representation of women in decision making structures as illustrated above does not accentuate on this distinction. Women's rights and problems continue to remain trivialised due to a government based on patriarchy and hence reflecting male perceptions whilst the voices of women are silenced.

1.4 Purpose of the study

The broad objective of this study is:

Devise strategies towards the attainment of gender parity in decision making that can be applied to Zambia

Specific objectives

In order to achieve the above general objective, the paper will pursue the following specific objectives:

1. To outline women's participation in Government as a human right
2. Analyse strategies used by States within the SADC region
3. To consider these strategies to analyse the results and impacts they have had within the SADC region.

Research Questions

1. Do member states within the SADC region have an obligation to reach Gender Parity in decision making?
2. What steps have States taken in SADC to reach the goal of 50% women representation in decision making?
3. Has there been a trend i.e. an increase in the representation of women in decision making?
4. Is Gender-Equality essential at all levels of decision making?

³⁵ Calson Anyangwe, An Outline of the Study of Jurisprudence, (UNZA Press for the school of law) 2005 p350

5. Following from the above questions what steps can Zambia take to reach the standards imposed under international law?

1.5 Hypothesis

In structures based on patriarchy, mere policy commitments are insufficient to raise the participation of women in Government. There is a need to legislate mandatory quotas mandating political parties to ensure an equal representation of men and women. Quota systems work well in mixed and proportional representation systems, there is therefore a need to move to such electoral systems.

1.6 Significance of the study

The 50/50 campaign has recently been initiated in Zambia; it is thus important that steps towards reaching this goal are scrutinized within a Southern African context.

In addition to this Zambia is currently drafting a new constitution; considerations include provisions to eliminate discriminatory provisions in the present constitution. This is however still under debate. The gender equality provisions under the Constitution of Zambia bill of 2005 which had been struck out are being reviewed. These provisions include, “the electoral system shall ensure that (a) the representation of each gender is not less than thirty per cent of the total number of seats in the National Assembly, district council or other public elective body (subsection 94(4)).”³⁶ It is thus important that strategies to improve the legal framework and increase the participation of women in decision making are devised.³⁷

³⁶ Christina Holder ‘Zambian Law and Women’s Political Leadership’ April 15, 2009 at <http://www.cardozo.yu.edu/MemberContentDisplay.aspx?ccmd=BlogDisplay&ucmd=UserDisplay&userid=10342&contentid=10614&folderid=2364&clt=Blog> (accessed on 02/01/2010)

³⁷ Zambia’s Response to the United Nations Questionnaire on Implementation of the Beijing Declaration and Platform for Action (1995) And the Outcome of the Twenty-Third Special Session of the General Assembly (2000), For preparation of regional review and appraisals in the context of the 15th anniversary of the adoption of the Beijing Declaration and Platform for Action in 2010

1.7 Operational definition of terms

Quota

Women quotas in electoral systems have been defined by IDEA to entail, ‘that women must constitute a certain number or percentage of the members of a body, whether it is a candidate list, a parliamentary assembly, a committee, or a government. The quota system places the burden of recruitment not on the individual woman, but on those who control the recruitment process’³⁸

Decision Making

There is no comprehensive definition of the concept of ‘women in decision-making’, however the European Commission provides a working concept, it is stated that a decision making position ‘will be considered as a position from where it is possible to take or influence a decision’. Further it is provided that within a domain i.e. at organisational level this implies that ‘the scope will be limited to organisations having a major influence in the domain at the national level for example the house of parliament’. Within an organisation, at hierarchical level, ‘this implies that the scope will be limited to those levels that have a major impact on decision making in the organisation for example the members of parliament.’³⁹

This paper will focus on the representation of women in national parliament.

1.8 Methodology

The research will be performed using basic desk top research which will consider the different contributions to the subject matter of the topic, both primary and secondary sources will be considered.

³⁸ IDEA global database for quotas for women <http://www.quotaproject.org/index.cfm> accessed on 12/08/2009

³⁹ International Knowledge Network of Women in Political Parties website, ‘Defining women in decision making’ at <http://www.iknowpolitics.org/en/node/5503> (accessed on 03/10/2009)

1.9Limitations:

The research is limited to considering efforts taken in different countries around the SADC region with the purpose of devising strategies. In effect it is merely an attempt to study the strategies rather than an in-depth scrutiny of each Member State within the SADC region.

1.10Research design

Chapter one: Identifying the problem around the representation of women in decision making: Facts and Figures

Chapter two: Considering International, Regional and Sub-regional instruments obligating gender parity

Chapter three: A study on the strategies used within the Southern African Democratic Community region to raise the participation of women.

Chapter four: Devising recommendations, how will the strategies implemented in SADC apply locally?

(i)1.11Timetable

I intend to meet the dead lines as laid out in the rules governing the directed research. After the submission of my draft proposal on the 24th August 2009, I intend to send out questionnaires to different organisations, expand on my literature in preparation of the submission of my final proposal on 9th October 2009. Thereafter I will duly complete my essay whilst balancing my time to enable the final submission as requested on 9th of April 2010.

Chapter 2

Chapter 2: International, Regional and Sub-regional instruments response to the participation of women in decision making

2.1 Introduction

The aim of this chapter is to identify the marginalised representation of women in decision making as a breach of fundamental human rights. It will illustrate the unequal representation of women and men as a global problem that is not specific to Africa. The chapter will outline the global statistics of the representation of women in national parliament. To outline the magnitude of the problem, the chapter will then consider the gross breaches of women's rights across the globe which persists as the voices of women remain silent at levels of decision making. Finally the chapter will outline international, regional and sub-regional responses to this problem. Women's equal representation at all levels of decision will thus be identified as both democracy and a human right.

2.2 Statistics of the global and regional representation of women in national parliament

The International Parliamentary Union (IPU) with the United Nations Division for the Advancement of Women (UNDAW) produced a global comprehensive map on women in politics covering 190 countries in 2005. They reported on the global trend in the participation of women in parliament from 1945-2005. It was concluded that the trend in women's representation over the last decade has been gradual albeit steady.⁴⁰

Women accounted for 10.5% of MP's world wide in 1975 at the time of the first world conference on women in Mexico City. Ten years later in 1985, there was a marginal increase in women's

⁴⁰ Background paper prepared by the IPU for the United Nations Expert Group Meeting on "Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership." Addis Ababa, 24 - 27 October 2005 obtained from Inter Parliamentary Union 'Women in Politics: 60 years in retrospect' Data valid as of feb 2006. Geneva Switzerland

representation to an average of 12%. This decreased to a mere 11.6% in 1995. However after the adoption of the Beijing Platform for Action held in 1995, there was an increase in representation. In 2000 women accounted for 13.4% of parliamentarians in lower houses of parliaments. This (representation of women) increased to 16.2% members of lower/single houses and an overall average of 16% in all parliaments.

It was concluded that the progress has been slow, further it was stated that ‘if current incremental rates continue, it will not be until 2025 that an average of 30% will be reached and not until 2040 that parity will be achieved.’⁴¹

Statistics carried out in 2008 illustrate that women account for merely 18 percent of parliaments worldwide. It is further recorded that a quarter of the chambers are comprised of less than 10 percent female members.⁴²

In spite of this recorded gradual increase, this progress is by no means a true reflection of the progress of individual countries as the percentage representation of women in national parliament is not equally distributed amongst the regions.

Since 1995 the Nordic countries have had the highest representation of women with an average of over 38% which reached 40% in 2005. On the other hand Arab States have an appalling record of women representation in Parliament. In the lower houses the average recorded in 2005 was 8.2%, this progress is attributable to the implementation of quotas in some of the countries within the region including Jordan, Djibouti, Iraq, Tunisia and Morocco. In the Pacific region the average recorded was 3.2 % (excluding Australia which holds 24.7% of women representation and New-Zealand which records 32.2 of women representation).⁴³

⁴¹ Op Cit IPU report on women in politics: 60 years in retrospect

⁴² Nicole McIntyre ‘Women Still underrepresented in Parliaments worldwide’ 2009 International Women’s Day Feature, 8 March 2009 [MEDIAGLOBAL] at <http://www.mediaglobal.org/article/2009-03-08/women-still-underrepresented-in-parliaments-worldwide> (accessed on 03/01/2010)

⁴³ Op Cit IPU report on Women in Politics: 60 years in retrospect

A table is provided for 2008 regional statistics women's representation in parliament. Although Africa is recorded to have a regional average of 18 percent of women representation in Parliament, this does not account for every country. The efforts are distributed amongst a few countries such as Rwanda which is the top performer in the world; the country saw the rise of women to 48.8% after the post conflict elections. Currently it is recorded that women constitute 56.3 percent of the members parliament in Rwanda. Other countries contributing to the overall percentage increase include South Africa, Mozambique, Namibia and Tanzania which have elected over 25 percent of women to parliament.⁴⁴

Women in National parliament Situation as of 30 November 2009: Regional Representation⁴⁵

	Single House or lower House	Upper House or Senate	Both Houses combined
Nordic countries	42.5%	---	---
Americas	22.4%	19.9%	22.0%
Europe - OSCE member countries including Nordic countries	21.5%	19.4%	21.1%
Europe - OSCE member countries excluding Nordic countries	19.5%	19.4%	19.5%
Asia	18.5%	16.7%	18.4%
Sub-Saharan Africa	17.6%	21.0%	18.0%
Pacific	13.0%	32,6%	15.2%
Arab States	10.0%	7.3%	9.4%
Regions are classified by descending order of the percentage of women in the lower or single House			

The above statistics illustrate that the plight to raise the participation of women in parliament has been a global struggle. Although there has been a gradual increase in the worldwide percentage of women,

⁴⁴ Op Cit Nicole McIntyre 'Women Still underrepresented in Parliaments worldwide' 2009 International Women's Day Feature

⁴⁵ Inter Parliamentary Union 'Women in National Parliament' Situation as of 28 Feb 2010 at <http://www.ipu.org/wmn-e/world.htm> (accessed on 03/01/2010)

the statistics for a majority of the countries are below that which is obligated under international law.

As a result the voices of half of the population remain unheard at levels of decision making.

2.3 Women's human rights conditions

The abuse of Women's human rights is a major problem that cuts through different regions in the world, as the global representation of women in decision making remains marginalised. In different regions of the world, every day women are the subjects of gruesome violent acts that no argument of cultural relativism can be used to justify.

Mayell reports that everyday hundreds and thousands of women are killed in the name of honour. The murders go unreported and the punishers unpunished. Such practices occur mostly in countries where women are viewed as vessels. Reports submitted to the United Nations Commission on Human Rights show that honour killings have occurred in 'Bangladesh, Great Britain, Brazil, Ecuador, Egypt, India, Israel, Italy, Jordan, Pakistan, Morocco, Sweden, Turkey and Uganda. In countries not submitting reports to the UN such practices were condoned in Taliban government in Afghanistan, and the practice has been reported in Iraq and Iran.'⁴⁶

As argued by advocates crimes of passion which are treated leniently in Latin America are the same as honour killings albeit considered under a different name.⁴⁷ According to Widney Brown, advocacy director for Human Rights Watch, "In countries where Islam is practiced, they're called honour killings, but dowry deaths and so-called crimes of passion have a similar dynamic in that the women are killed by male family members and the crimes are perceived as excusable or understandable"⁴⁸

⁴⁶ Hillary Mayell 'Thousands of Women Killed for Family honor' for National Geographic News February 2002 at http://news.nationalgeographic.com/news/2002/02/0212_020212_honorkilling_2.html (accessed on 12/01/2010)

⁴⁷ Op Cit Hillary Mayell 'Thousands of Women Killed for Family honor'

⁴⁸ Op Cit Hillary Mayell 'Thousands of Women Killed for Family honor'

The United Nations Secretary-General Ban Ki Moon, stated that “Violence against women and girls continues unabated in every continent, country and culture. It takes a devastating toll on women’s lives, on their families, and on society as a whole. Most societies prohibit such violence — yet the reality is that too often, it is covered up or tacitly condoned”.⁴⁹

The World Health Organization (WHO) research gathered the following facts about violence against women:

- In every country where reliable, large-scale studies have been conducted, results indicate that between 10% and 50% of women report they have been physically abused by an intimate partner in their lifetime.
- Population-based studies reported between 12 and 25% of women have experienced attempted or completed forced sex by an intimate partner or ex-partner at some time in their lives.
- Interpersonal violence was the tenth leading cause of death for women 15-44 years of age in 1998.
- Forced prostitution, trafficking for sex and sex tourism appear to be growing. Existing data and statistical sources on trafficking of women and children estimated 500,000 women entering the European Union in 1995’.⁵⁰

Globally the United Nations Commission on the Status of Women recorded that at least one in three women and girls are beaten or sexually abused in their lifetime.⁵¹

In the United States of America the problem of Violence against Women persists, statistics obtained reviewed that in 2005, 1,181 women were murdered by an intimate partner. This is an average of three women every day. Further according to the National Centre for Injury Prevention and Control, ‘women experience about 4.8 million intimate partner-related physical assaults and rapes every year. According to the National Crime Victimization Survey, 232,960 women in the USA were raped or sexually

⁴⁹ UN Secretary-General Ban Ki-Moon, ‘Facts and figures on violence against women’ 8 March 2007 at http://www.unifem.org/gender_issues/violence_against_women/facts_figures.php, accessed on 22/12/2009)

⁵⁰ The World Health Organisation ‘Violence Against Women’ Fact Sheet No 239 June 2000 at <http://www.who.int/mediacentre/factsheets/fs239/en/index.html>

⁵¹ Anti Violence Resource Guide, Facts about violence feminist.com <http://www.feminist.com/antiviolence/facts.html> (accessed on 06/01/2010)

assaulted in 2006 which is more than 600 women everyday.⁵² In Canada in the years of 1999-2004, it was reported that 7% of Canadian women experienced violence at the hands of their spouses.⁵³

The United Nations recorded 4 million women and girls are trafficked annually.⁵⁴ A study carried out on prostitution from five countries i.e. South Africa, Thailand, Turkey, USA and Zambia) reported that 52 percent of the women have been raped in prostitution, 73 percent of the women reported having experienced physical assault in prostitution.⁵⁵

In Africa it is recorded that more than 90 million African women and girls are the victims of female circumcision or other forms of genital mutilation. (Heise: 1994).⁵⁶

According to UNICEF/UNAIDS 2007 in Eastern and Southern Africa, 17 to 22% of girls of 15 to 19 are HIV positive compared to 3 to 7% of boys of similar age.⁵⁷

The above statistics illustrate an appalling condition for the human rights of women globally. Lowe-Morna argues that, 'despite women not being a homogeneous entity, they do have common life experiences and interests that need to be brought into and enrich political decision making.'⁵⁸

The question which thus arises is whether an increase in the participation of women in decision making will lead to an improvement of the human rights conditions for women in general by putting across different human rights concerns at levels of decision making.

⁵² National Organisation for women 'Violence against women in the USA, Statistics' at <http://bjs.ojp.usdoj.gov/>

⁵³ Canadian Centre for Justice Statistics 'Family Violence in Canada: A Statistical Profile,' 2005 Catalogue no. 85-244-XIE

⁵⁴ Anti Violence Resource Guide, 'Facts about violence' feminist.com <http://www.feminist.com/antiviolence/facts.html>

⁵⁵ Melissa Farley, Isin Baral, Merab Kiremire, Ufuk Sezgin, "Prostitution in Five Countries: Violence and Posttraumatic Stress Disorder" *Feminism & Psychology* (1998) 8 (4): 405-426

⁵⁶ Anti Violence Resource Guide, Facts about violence feminist.com <http://www.feminist.com/antiviolence/facts.html>

⁵⁷ Anti Violence Resource Guide, Facts about violence feminist.com <http://www.feminist.com/antiviolence/facts.html>

⁵⁸ Kasote Singogo and Kalenga Kakompe 'Women in Zambian Political Governance: Documenting Women's Representation in the Parliament and the Executive' Second draft report, Zambian Association for Research and Development (ZARD)p16

A number of studies have been carried out on the impact of an increased percentage of women in parliament, all reporting contradicting results.

Caiazza (2002) analyses whether having more women in elected office is associated with more women-friendly policy in the United States of America. She does this by evaluating whether differences in women's levels of elected representation coincide with trends in women-friendly policy across the 50 States.⁵⁹

Her findings illustrate that the relationship between State scores for women's representation and women friendly policy is very strong. States with higher levels of women's representation also have more women-friendly policies. Thus statistics illustrated that as States scores for women's elected representation increase, their scores on the women's resources and rights checklists also increase.⁶⁰

She concludes by stating that 'women's presence in legislatures and other State-level elected offices is closely associated with better policy for women.'⁶¹

In Europe, Squires and Wickham-Jones illustrate mixed results of the impact of an increased representation of women in Parliament in the UK, with few distinct women's oriented policy outcomes. The study was on the British House of Commons and this was carried out under three headings i.e. policy style, agenda and outcomes.

In relation to the policy style it was recorded that rather than relying on direct challenges in the debating chamber, women mainly worked behind the scenes. It was further illustrated that the women member's of Parliament (MP's) had marginal success in altering the adversarial culture of the parliament or in other areas such as introducing child care facilities or altering work hours.

⁵⁹ Caiazza, A. 2002. 'Does women's representation in elected office lead to women-friendly policy?' *Research-in-Brief*, Institute for Women's Policy Research, May. p4 at <http://www.iwpr.org/pdf/i910.pdf> (Accessed on the 7th July 2008)

⁶⁰ Caiazza, A. 2002. 'Does women's representation in elected office lead to women-friendly policy p4

⁶¹ Caiazza, A. 2002. 'Does women's representation in elected office lead to women-friendly policy?' p4

However in relation to the policy agenda, it was recorded that women are prone to bring to the table issues of equality education, women's relatively poor economic position, child care, violence against women and integration of gender into issues of employment and pay. In spite of this, in relation to policy outcomes the few issues considered success for women were areas 'that dovetailed with existing government policy.'⁶²

In Scandinavia studies carried out by Sainsbury in relation to the Swedish Parliament concluded that the 'presence of greater number's of women was decisive in two respects'. It was shown firstly that 'women deputies reformulated traditional women's issues as a broader issue of gender equality' which helped to make them major considerations for parties.' Secondly that, 'they converted the demand for a more complete democracy.' Greater representation thus moved the debate from women to gender.⁶³

Wangnerud's empirical investigations of attitudes and behaviors of Nordic Parliament illustrated that 'most women considered the increased representation of women to have changed their party's position in areas such as family policy, gender equality and social policy.' She further found that 'women's representatives were more likely to represent women's interests' and consequently argued that 'increased female representation results in greater parliamentary attention for gender equality, family policy and social policy.'⁶⁴

Within Africa there hasn't been much research on the influence of an increased participation of women in decision making. The few studies that have been carried out however show a similar trend as that of Europe. The results have been conflicting. In South Africa for example it was illustrated that major changes to the law in areas such as employment equality, abortion and employment have been made as a result of an increased representation of women in parliament. Such an increase in women's

⁶² J. Squires and M. Wickham-Jones, 'Women in Parliament: A Comparative Analysis', Equal Opportunities Commission, 2001, pp. 88–99.

⁶³ D. Sainsbury, 'Women's Political Representation in Sweden: Discursive Politics and Institutional Presence', *Scandinavian Political Studies*, (2004) 27(1), pp. 65–87.

⁶⁴ L. Wangnerud, 'Representing Women', pp. 132–54 in P. Esaiasson and K. Heidar (eds), *Beyond Westminster and Congress: The Nordic Experience*, (Ohio State University Press, 2000), pp. 146–48.

representation has also had a major impact on the passing of the Domestic Violence Bill of 1998 as recorded by Meintjes.⁶⁵ In Namibia however, studies showed that women deputies have ‘not managed to make their national legislatures more women or parent friendly.’ However they have played a major role in the passing and drafting of many new laws.⁶⁶

As stated above, Rwanda is currently leading in the representation of women in parliament. A study carried out on the impact of this high representation of women, in line with Western studies recorded conflicting results. It is however important to outline that in terms of policy agenda, it was stated in the interviews that although gender issues seem to have been established prior to the increase in the numbers of women, the women’s issues have been raised more easily and often since the rise in participation of women i.e. after 2003. It was reviewed that a gender agenda is perceived as guaranteed by the increased representation of women. In short it was concluded that ‘numbers do count in that they guarantee the continued presence and normalization (in that male MP’s also consider them issues worthy of parliaments consideration) of women’s issues on the agenda.’⁶⁷

To sum up, although the studies are conflicting on the impact of an increased women’s representation on policy outcomes in favor of women, the positive impact of an increased women’s representation in decision making is undeniable. Most studies illustrate that women’s issues are put across more readily where there is a higher percentage of women representation. It is thus important that, to properly address the bulk-load of human rights concerns affecting women, States in line with international, regional and sub-regional instruments get the numbers right.

⁶⁵ S. Meintjes, ‘The Politics of Engagement: Women Transforming the Policy process—Domestic Violence Legislation in South Africa’ in A.M. Goetz and S. Hassim (eds), *No Shortcuts to Power. African Women in Politics and Policy Making*, (Z, ed Books, 2003), pp. 140–59. see also H.E. Britton, ‘South Africa: Mainstreaming Gender in a New Democracy’ in G. Bauer and H.E. Britton (eds) 2006, *Women in African Parliaments*, Lynne Rienner, 2006, pp. 59–84; K. Ross, ‘Women’s Place in “Male” Space: Gender and Effect in Parliamentary Contexts’, *Parliamentary Affairs*, (2002) 55, , pp. 189–201.

⁶⁶ G. Bauer, ‘Namibia: Losing Ground Without Mandatory Quotas’ in G. Bauer and H.E. Britton (eds), 2006, *Women in African Parliaments*, Lynne Rienner, 2006, p. 100.

⁶⁷ Claire Delvin and Robert Elgie ‘The effect of Increased Women’s representation in Parliament the case of Rwanda’ *Parliamentary Affairs* (2008) Vol 61 No2., 237-254 Advance Access Publication 23 Feb 2008 pp252-253

2.4 International, regional and sub-regional responses to the representation of women in decision making

Generally the absence of women in decision making has been identified to be a matter of gender inequality and hence a breach of a fundamental human right. All U.N. definitions of gender emphasize the fact that gender is a social construct, and is therefore a learned rather than innate category.⁶⁸ Gender unlike sex, which is associated with the biological non changing factors, is a constantly changing factor and is established by a number of aspects. It refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.⁶⁹

The private and public dichotomy has reinforced women's absence in politics. Henry J, Steiner, Philip Alston and Ryan Goodman, in the third edition of the *International Human Rights in Context* defines this distinction in two ways that is, firstly "the distinction is to do with the nature or character of the actor (state or non-state)." Secondly "the distinction concerns different spheres of life and action. The private is frequently associated within relations and conduct within the home, family, domestic life while the public is identified with the relations and conduct of a working life outside the home or family."⁷⁰ Historically women have been confined to the private space whilst the public space has been dominated by men; it has hence been a struggle for women to gain prominence in a phallogentric domain.

⁶⁸ Valerie Oosterveld 'The Definition of "Gender" in the Rome Statute of the International Criminal Court: A Step Forward or Back for International Criminal Justice?' Harvard Human Rights Journal <http://www.law.harvard.edu/students/orgs/hrj/iss18/oosterveld.shtml>, (accessed on 12/09/2009)

⁶⁹ Valerie Oosterveld 'The Definition of "Gender" in the Rome Statute of the International Criminal Court:

⁷⁰ Henry J. Steiner, Philip Alston, Ryan Goodman, *International Human Rights in Context, Law Politics Morals*, Third Edition, (Oxford University Press) page 213

International laws response

International law's response to the absence of women in decision making has been fragmented, there is no specific instrument calling for equal participation of women in decision making however this is considered either under general heads of inequality or as a provision under general instruments addressing the rights of women.

The Starting point is the Universal Declaration of Human Rights (UDHR) (1948)⁷¹, which although not binding as it is merely a declaration, has come to be considered as customary international law. Article 21 of the UDHR outlines the right to political participation in terms of equality in general; it is not specific to women or any disadvantaged group. It states that every one shall have the right to 'take part in the government of his or her country and the right of equal access to public service.'⁷²

The International Covenant on Civil and Political Rights (ICCPR) (1966) also states in general terms of equality under article 25 that 'every citizen shall have a right and opportunity, without unreasonable restrictions to, take part in the conduct of public affairs, directly or through freely chosen representatives' and 'to vote and be elected at genuine periodic elections which shall be universal with equal suffrage' and 'to have access on general terms of equality to public service in his (or her) country.'⁷³

However in considering specifically the human rights of women, the ground breaking instrument addressing the human rights of women is the Convention on the Elimination of All forms of Discrimination against Women which was ratified in 1979. The Convention addresses discrimination against women in various areas including politics. It urges under article 7 that 'state parties shall take

⁷¹ General Assembly resolution 217 A (III), UN Doc A/810 at 71 (1948) Universal Declaration of Human Rights Nations

⁷² Universal Declaration of Human Rights (UDHR) Resolution 217 A (III) article 21

⁷³ General Assembly Resolution 2200A [ZZ1] 16 December 1966 International Covenant on Civil and Political Rights (ICCPR) article 25

all appropriate measures to eliminate discrimination against women in the political life of the country and in particular shall ensure to women on equal terms with men, the right, to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies, 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.’ It further urges under article 8 that State parties agree to take all appropriate measures to overcome historical discrimination against women and obstacles to women’s participation in decision making including under article 4 legislation and temporary special measures.⁷⁴ It has been noted that the Committee on the Elimination of Discrimination against women has drawn attention to the low rate of implementation of articles 7 and 8 of the convention, it has further reviewed the persisting barriers to women’s representation and set out steps for Governments to take in order to fully implement the articles.⁷⁵

The Fourth World Conference for women held in Beijing (1995) outlined the disadvantaged position of women in decision making. The Beijing Declaration and Platform for Action recognize ‘women’s unequal share of power and decision making as one of the twelve critical areas of concern.’⁷⁶ The conference recognised lack of implementation of previous conferences by governments and thus the need for concrete commitment to planned actions was needed; the Beijing Platform of Action was thereby adopted.⁷⁷ The Platform for Action grouped recommendations under two strategic objectives i.e. first ‘to ensure that women have equal access to structures of power through establishing an affirmative action policy, promoting and protecting women’s political rights, recognizing the importance of shared work and parental responsibilities between men and women.’ Second to ‘increase

⁷⁴ General Assembly Resolution 34/180, UN Doc. A/34/46 Convention on the Elimination of all Forms of Discrimination against women 1979

⁷⁵ United Nations Department of Economic and Social Affairs, Division for the Advancement of Women, ‘Equal participation of Women and men in decision-making processes, with particular emphasis on political participation and leadership’ Expert Meeting Addis Ababa, Ethiopia, 24-27 October 2005 at <http://www.un.org/womenwatch/daw/egm/eql-men/index.html> (accessed on 03/01/2010)

⁷⁶ Ibid

⁷⁷ Lene Overland and Jayne Arnott ‘A review of the 50/50 Campaign from 2002 to 2005 and beyond’ Gender Advocacy Program CGE 2006

women's capacity to participate in decision-making by providing leadership and self-esteem training for women, developing transparent criteria for decision-making positions to ensure a gender-balanced composition in selecting bodies, and raising gender awareness.'⁷⁸

In line with the platform there was a number of developments addressing the participation of women in decision making, the 44th session of the Commission on the Status of Women's on women in power and decision making processes called for 'the acceleration of implementation of the Beijing Platform for Action in order to achieve women's full and equal participation in decision making.'⁷⁹ Further governments were urged to 'establish time-bound targets for reaching the goal of gender balance in decision-making, and ensure gender mainstreaming in legislation'.⁸⁰ It was stressed that 'achieving the goals of equal participation of women and men in decision making would provide a balance that is needed to strengthen democracy.'⁸¹

Further the General Assembly at its twenty-third special session emphasized, 'the need to introduce quotas and measurable goals to increase the participation of women in political decision-making'⁸². It further urged efforts to 'encourage political parties to nominate more women for election to legislative bodies.'⁸³ The General Assembly Resolution 58/142 on Women and Political Participation in 2003 urged Member States to 'eliminate all discriminatory laws in their national legislatures, counter 'negative societal attitudes about women's capacity to participate equally in the political process' and

⁷⁸ Report of the Secretary-General 'Review of the implementation of the Beijing Platform for Action and the outcome documents of the special session of the General Assembly entitled 'Women 2000: gender equality, development and peace for the twenty-first century' United Nations Economic and Social Council E/CN.6/2005/2 p62

⁷⁹ United Nations Department of Economic and Social Affairs, Division for the Advancement of Women, 'Equal participation of Women and men in decision-making processes, with particular emphasis on political participation and leadership'

⁸⁰ Ibid

⁸¹ Op Cit Report of the Secretary-General 'Review of the implementation of the Beijing Platform for Action and the outcome documents of the special session of the General Assembly'

⁸² Ibid

⁸³ Ibid

‘institute educational programmes in the school curriculum that sensitize young people about the equal rights of women’.⁸⁴

Women’s participation in decision making has also been considered under the head of development. The Millennium Declaration and Millennium Development Goals specifically addressed the aspect of women’s participation in decision making under the general head of gender equality as an indicator to development (under Goal 3 i.e. seats held by women in national parliament). Inter alia it was agreed by leaders as a priority to ‘promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable.’⁸⁵

The equal participation of women in decision making under international law has hence been identified as an inherent human right i.e. under gender equality, essential to democracy and as a key indicator to development.

Regional and Sub-regional responses

Regionally the right to participate in decision making has been readily addressed by the African Charter on human and Peoples rights, the Protocol to the African Charter on Women’s rights which sets more promising commitments and the SADC protocol on Gender and Development which gives attention to raising women’s participation in decision making, in a number of its provisions. It further sets time frames in which to achieve the set obligations.

⁸⁴ United Nations Department of Economic and Social Affairs, Division for the Advancement of Women, ‘Equal participation of Women and men in decision-making processes, with particular emphasis on political participation and leadership’

⁸⁵ Kasote Singogo and Kalenga Kakompe ‘Women in Zambian Political Governance: Documenting Women’s Representation in the Parliament and the Executive’ Second draft report, Zambian Association for Research and Development (ZARD) see also Millinium development Goals, goal 3

further sets measurable targets to enhance these instruments. This is outlined in its preamble, it states that it is determined to ‘consolidate and create synergy between the various commitments on gender equality and equity made at regional, continental and international levels into one comprehensive regional instrument that enhances the capacity to report effectively on all instruments and also addresses new challenges’. Further it states that it is committed to ‘drawing up a plan of action setting specific targets and timeframes for achieving gender equality in all areas, as well as effective monitoring and evaluation mechanisms for measuring progress.’⁹⁰

The protocol thoroughly deals with the aspect of women’s equal participation in decision making under several provisions. Under article 4 it urges States to remove from their constitutions all discriminatory provisions and guarantee gender equality, it provides for affirmative action especially for women under article 5 to eliminate all barriers preventing women from participating meaningfully in all spheres of life. In specific reference to women in decision making, the protocol calls for 50/50 representation of men and women in decision making by 2015, under the provision on Governance (article 12). It states under article 13(2) that:

2. States Parties shall ensure the equal participation of women and men in decision making by putting in place policies, strategies and programmes for:
 - (a) Building the capacity of women to participate effectively through leadership and gender sensitivity training and mentoring;
 - (b) Providing support structures for women in decision-making positions;
 - (c) The establishment and strengthening of structures to enhance gender mainstreaming; and
 - (d) Changing discriminatory attitudes and norms of decision making structures and procedures.

Thus regional and sub-regional responses have primarily been based on consolidating the international efforts aimed at protecting the rights of women. Recognising the marginalised rights of women in spite of international obligations, the instruments have implemented a plan of action as well as guidelines on raising the participation of women in decision making.

⁹⁰ SADC Protocol on Gender and Development Preamble

2.5 Chapter Conclusion

Women's participation on an equal basis in decision making is thus recognised as a fundamental human right which as properly outlined by the Millennium Goals of Development is a key indicator to development. As illustrated by the global poor conditions of women's rights, breaching women's rights to equal participation in decision making digs deep as it is the core of all human rights abuses around the world. These rights continue to be breached as the voices of half the population are silenced and thus their problems are not put across at levels which would impact a change. The phallocentric public sphere should be broken down by including more women, this will in-effect remedy the lack of law's response in the private sphere which currently affects women more.

In spite of the signed and ratified international, regional and sub-regional conventions recognising the equal participation of women as a human right Member States still fail to live up to their obligations. As a result the Women's Environment and Development Organisation (WEDO), initiated a 50/50 global campaign ('Women in Government- Getting the Balance Right') during the June 2000 UN General Assembly special session to review the Beijing Platform of Action in New York. The campaign advocates for 50/50 representation of men and women in decision making by 2005 and a minimum of 30% by 2003. In addition it reinforces the significance of setting up time specific targets to ensure governments act on their commitments.⁹¹

This campaign has been localised and incorporated by a number of countries including Argentina, Trinidad and Tobago, Surinam, Guyana, Bulgaria, Philippines, Indonesia, Croatia and Canada. In the SADC region these countries include South Africa, Namibia and Zambia that recently indorsed the campaign in 2009⁹². Besides this global campaign, individual States within the SADC region have taken a number of steps to domesticate the international, regional and sub-regional instruments.

⁹¹ Liz Frank "[The global 50/50 campaign gains momentum](http://findarticles.com/p/articles/mi_hb281/is_2_14/ai_n28960340/)". Sister Namibia. FindArticles.com. 24 Jan, 2010. http://findarticles.com/p/articles/mi_hb281/is_2_14/ai_n28960340/ (accessed on 9/01/2010)

⁹² Op Cit Liz Frank 'the global 50/50 campaign gains momentum'

Different strategies have been used within SADC some of which have had a positive impact on the representation of women in decision making. The next chapter will hence explore these different strategies to devise recommendations on best practices that can be applied within a Zambian context.

Governments should go beyond mere paper exercises of setting up non obligatory policies and signing international instruments. Rather the magnitude of the problem of under representation of women in decision making must be realised and States must seek to implement binding measures to bridge the gap between the local and the global and insure the domestication of the international instruments.

Chapter 3: A study on the strategies used within the Southern African Democratic Community region to raise the participation of women.

3.1 Introduction

This chapter will consider the strategies that have been devised within the SADC region to domesticate international, regional and sub-regional human rights instruments calling for gender parity at all levels of decision making. It will consider why countries within the SADC region present as a good example in devising strategies that can be applicable in a Zambian context. The chapter will then provide an outline of general challenges and strategies that have been called for within the SADC region after which, brief studies will be carried out on three countries that is Lesotho, Tanzania, and South Africa. These countries have been selected as they provide an overview of the general strategies that have been used; these studies will thus assist in drafting collective strategies and general recommendations of best practices.

3.2 Why SADC?

Countries within the SADC region present themselves as a good example to Zambia. Reasons being, firstly considering their geographic proximity, it is much easier to build a network of communication amongst the different countries, indeed the declaration and treaty establishing the Southern African Development Community was signed on 17th July 1992, and this was born out of positive experiences of cooperation amongst the Governments of Southern Africa. Including Zambia, SADC constitutes of the following countries; Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania and Zimbabwe.

Besides this, attention should be drawn to the aspect that these countries share common experiences all being post conflict or colonial countries and most importantly the phallocentric nature of the culture within African countries. Women in Southern Africa face a number of problems. It is recognised that poverty in the SADC region is gendered; women's rights to arable land are weaker than that of men and in addition to this is the barrier to financial or capital services.⁹³ Their histories review the struggles faced by women to gain recognition as bearers of inherent human rights including the rights to politics as will be illustrated below.

In light of all these struggles, the nations within SADC have still achieved a lot of progress in domesticating international instruments calling for gender parity. For example three countries stand with a high percentage of female representation in Parliament. The International Parliamentary Union records South Africa which currently has a percentage of 44.5 and Mozambique which has a percentage of 39.2 as being in the top 10 of world classifications. Angola and Tanzania are also doing well with a record of 37.3 and 30.7 percent of women in national Parliament respectively.⁹⁴ Ballington also points out that the SADC region is the leading region in Africa in terms of gender representation and that some countries (she points out South Africa, Mozambique and Seychelles) are doing better than some of the richest democracies in the world such as the United Kingdom, Australia and Canada.⁹⁵ Although the percentage may be attributable to a few countries within the region; it is enough to consider what these countries have done to attain such a high representation or indeed why strategies deployed by other States within SADC have not had a successful outcome.

⁹³ Barbara Lopi (Commission For Africa, Southern African Consultation Intercontinental Lusaka, Zambia) 'Gender and Poverty In the context of Human Development, Health, Education and the MDG's' December 2004 Southern African Regional Poverty Network. At http://www.sarpn.org.za/documents/d0001002/papers/Gender_and_Poverty-WIDSAA.pdf (accessed on 10/02/2010)

⁹⁴ International Parliamentary Union 'Word Classification; Women in National Parliaments' 2009 statistics at www.ipu.org/wmne/classif.htm (accessed on 10/02/2009) see also IDEA 'Global Database; quotas for women' Quota Project at www.quotaproject.org (accessed on 10/02/2010)

⁹⁵ Julie Ballington 'the implementation of quotas: African Experiences' Quota Report Series The International Institute for Democracy and Electoral Assistance 2004 p14

Recognising that we have 5 years to attain commitments under the Millennium Development Goals, SADC which has used a fast track method to raise the participation of women in decision making is the ideal model. As stated by Dahlerup 'the Scandinavian experience cannot be considered a model today, because it took 80 years to get that far. Today, the women of the world are not willing to wait that long',⁹⁶

Another important aspect is that as well as offering the above similarities mentioned above, the region also offers diversity. An important diversity is the use of different electoral systems in these countries. The diversity gives room to illustrate how these strategies have worked in different political backgrounds.

In addition to all of the above, the new SADC Protocol on Gender and Development, discussed in chapter 3 which advocates for gender parity, drafted by SADC nations illustrates a sub-regional commitment towards the goal of attaining gender equality in decision making. The protocol was signed by a total of 11 countries i.e. Angola, the Democratic Republic of Congo, Lesotho, Madagascar, Mozambique, South Africa, Namibia, Swaziland, Tanzania, Zimbabwe and Zambia.⁹⁷ Currently Malawi is the 13 country to have signed this protocol.⁹⁸ It is there important that notes on what is being done in these individual countries are compared to devise recommendations on best practices and thus put pressure on the government in realising what needs to be done to make these paper commitments a reality.

⁹⁶Drude Dahlerup 'Comparative Studies of Electoral Gendered Quotas; The implementation of Quotas, Latin Experiences' Paper Presented at International IDEA Workshop February 2003 Department of Political Science, Stockholm University Sweden, at p3

⁹⁷ Southern African Development Community Protocol on Gender and Development article 43

⁹⁸ Mana 'Dr Mutharika signs SADC Gender Protocol' Official Website for the Government of Malawi at www.malawi.gov/mw/stones (15th October 2009) (accessed on 9/02/2010)

It has been recognised that the electoral system used in some SADC countries is a barrier to the participation of women in politics. Ballington records that constituency based electoral systems used in countries including Zambia and Zimbabwe has led to low representation of women in comparison with the Proportional representation system used in countries including South Africa and Mozambique which are both amongst the top ten performers in the world. In explaining why PR systems tend to perform better than constituency based electoral systems in terms of facilitating the participation of women in politics, Morna writes that, ‘in the case of the former candidates focus on the party and its policies, rather than on a particular individual. This works in favour of women at least in getting their foot in the door because of the in-built prejudices against women.’¹⁰²

The Block Vote system used in Mauritius has also been stated to have a negative impact on the allocation of legislative seats in terms of the share of votes and the representation of women. Only 7.6% of the members were women in 1995, this declined to 5.71 in 2000 but rose to 17.14% in 2005.¹⁰³ In addition to this, the patriarchal societies in SADC countries in general present as a barrier to the participation of women in decision making, this is compounded by the failure to legislate electoral laws to address these imbalances. In Seychelles for example although the country has been complimented for its high representation of women in decision making¹⁰⁴, EISA records that there has been a fluctuation in the representation of women due to the lack of legislative measures undertaken by the country to increase the participation of women in decision making. Thus in 1993 women formed 27% of the members of the National Assembly, this percentage rose to 24% in 1998 and up to 29.4% in 2002 and finally down to 23.5% in 2007¹⁰⁵. It was recognised in the Lesotho country’s report, African Union Solemn Declaration on Gender Equality in Africa (2006, 8) that, politics in Lesotho have been male-dominated since independence. It was further stated that ‘the patriarchal nature of the Basotho

¹⁰² Bookie Monica Kethusegile- Juru ‘Quota systems in Africa an overview’ in Julie Ballington ‘the implementation of quotas: African Experiences’ Quota Report Series The International Institute for Democracy and Electoral Assistance 2004 p23 at p25

¹⁰³ EISA Promoting Credible elections and Democratic Governance in Africa; Mauritius party quotas

¹⁰⁴ Bookie Monica Kethusegile-Juru, ‘Quota systems in Africa’ in Ballington p26

¹⁰⁵ EISA Promoting Credible elections and Democratic Governance in Africa: Seychells women in politics

society confers decision-making powers and headship on males and contributes largely to the absence of women in mainstream politics.¹⁰⁶

In relation to strategies used within the SADC region to raise the participation of women, a consolidated response by the International Knowledge Network of Women in Politics¹⁰⁷ outlines three factors contributing to the increase in representation of women. These were identified as, the adoption of affirmative action such as the use of quotas in some member states, national women's movements which played a critical role in liberation and reform movements and international agreements of women's rights¹⁰⁸ (these international agreements have already been discussed in chapter two).

National Women's movements

Women in the SADC countries have played a critical role in raising the representation of women in decision making or indeed the recognition of women in politics. The women in Namibia and South Africa for example played a vital role in the liberation and reform movements of their countries as will be illustrated in the study below. New constitutions were drafted during the political transitions and women organisations used this as an opportunity to advocate for policies in favour of women's participation in decision making. Besides this the work of women NGO's in SADC cannot be undermined as stated by Edith Miguda, iKnow Politics expert "a strong tradition of leadership and community work among women in Africa including women's organizations and grassroots women's movements has allowed some women to tap into skills associated with political leadership, but even

¹⁰⁶ EISA Promoting Credible Elections & Democratic Governance in Africa Lesotho Women Representation Quotas <http://www.eisa.org.za/WEP/lesquotas.htm> May 2008

¹⁰⁷ iKnow politics, a joint project of the United Nations Development Programme (UNDP), the United Nations Development Fund for Women (UNIFEM), the National Democratic Institute for International Affairs (NDI), the Inter-Parliamentary Union (IPU) and the International Institute for Democracy and Electoral Assistance (International IDEA), whose mission is to increase the participation of women)

¹⁰⁸ Miguda, Edith. "Expert Opinion on the question related to Rise of Women in Parliaments in Sub-Saharan Africa". 2008. <http://www.iknowpolitics.org/en/node/4896>

more particularly offered occasion for female candidates to build a strong support base among women as voters for female candidates.” (Miguda, E. ExpertOpinion)¹⁰⁹

Quota systems

Women quotas in electoral systems have been defined by IDEA to entail, ‘that women must constitute a certain number or percentage of the members of a body, whether it is a candidate list, a parliamentary assembly, a committee, or a government. The quota system places the burden of recruitment not on the individual woman, but on those who control the recruitment process.’¹¹⁰

Quotas may be either voluntary or mandatory, in the case of the latter the quota is implemented through either legislation or the constitution. In the case of the former the quota is implemented by the individual party, which is not mandated by law to comply with the quota.

Voluntary quotas have been adopted by a number of political parties within SADC. In Angola, which uses a proportional representation system, the ruling party, Peoples Movement for the liberation of Angola adopted a 30% quota; this increased the representation of women from merely 9.5% in 1992 to 37.3 percent in 2008¹¹¹. Mozambique and South Africa are also good examples, in both these countries the leading parties i.e. Mozambique Liberation Front (FRELIMO) and the African National Congress (ANC) (respectively) gender quotas have been adopted. FRELIMO has a 30% voluntary quota whilst the ANC has a parity quota in accordance with its new constitution.¹¹² These voluntary quotas are complemented by a Proportional Representation Electoral system that is used in both countries (except at Local Government level in South Africa which uses a Mixed Proportion Representation system).¹¹³ As a result the representation of women in national parliament in Mozambique now stands at 39.2 and

¹⁰⁹ Miguda, Edith. “Expert Opinion on the question related to Rise of Women in Parliaments;

¹¹⁰ IDEA global database for quotas for women <http://www.quotaproject.org/index.cfm> accessed on 12/08/2009

¹¹¹ EISA; Angola Political Party Quotas

¹¹² EISA Promoting Credible elections and Democratic Governance in Africa;’ South Africa party quotas’

¹¹³ Bookie Monica Kethusegile- Juru ‘Quota systems in Africa an overview’

South Africa is listed third in the world with a representation of 44.5% of women in national parliament.¹¹⁴

In the Democratic Republic of Congo the electoral system uses an open party list as opposed to a closed party list. IDEA defines the distinction between the two systems, in the case of the latter the winning candidates are taken from the lists in the order of their position on the list; such a system is favorable to women who have a real chance of being elected if they are placed at the top of the party list. If the lists are 'open' or 'free' however the voters can influence the order of the candidates by marking individual preferences.¹¹⁵ This did not translate into an increased representation of women who constituted only 8.4 of the members elected to the National Assembly (EISA 2007, 24, 87)¹¹⁶. The use of an open list is less favourable in patriarchal societies where voters tend to choose male candidates in preference to female ones.

The use of voluntary quotas in constituency based systems has been less successful in increasing the representation of women. In Zimbabwe for example, the ruling party, Zimbabwe African National Union (ZANU-PF) adopted a 25% quota for candidates for the National Assembly in 2005. The adoption of this quota was as a result of pressure put on the party by women's movements in the State. However the adoption of this quota did not translate to implementation, only 17.7 of elected ZANU-PF candidates were women. It is recorded by Chiroro (2005,102) that the implementation reflected 'the party's traditional marginalisation of women and effectiveness of opposition by powerful men within the party to their effective implementation.'¹¹⁷

¹¹⁴ IPU 'Global world classification'

¹¹⁵ International Institute for Democracy and Electoral Assistance (IDEA) glossary of terms at <http://www.idea.int/esd/glossary.cfm#FPTP> Page last updated July 2, 2007 accessed on 12/08/2009

¹¹⁶ See EISA Promoting Promoting Credible elections and Democratic Governance in Africa; DRC party quotas

¹¹⁷ EISA Promoting Credible elections and Democratic Governance in Africa; Zimbabwe party quotas in politics'

Mandatory quota provisions have been adopted in a few SADC countries. Lesotho and Tanzania provide good examples of the implementation of mandatory quotas through legislation and the constitution respectively. In Lesotho the mandatory quota is placed at local government level; it is facilitated by the Local Government Elections Act 26(1), which reserves a one-third of the seats to women. This led to a high representation of women at Local Government level i.e. 58 percent.¹¹⁸ Tanzania which uses a constituency based electoral system provides for a mandatory quota in its constitution (amended in 2005) of 30% of the seats in National Assembly to women.¹¹⁹ This has resulted in an increase of women's representation to 30.7 in the National Assembly as recorded by the Inter-Parliamentary Union.¹²⁰

Other Strategies

Other strategies highlighted by EISA include the use of positive discrimination clauses inserted in the constitution of some SADC countries, this has been recorded as having a positive impact on the representation of women in decision making. These clauses have paved the way for laws drafted to facilitate the representation of women. In Namibia under article 23(3), (which is a clause that stands as a limitation to the general discrimination clause) the constitution empowers the parliament to enact legislation that leads to the advancement of persons within Namibia who have socially, economically or educationally been disadvantaged by past discrimination. Further article 23(3) outlines that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full equal and effective role in inter alia, the political life of the nation.¹²¹ This clause paved the way for the enactment of the Local Authority Act of 1992 which mandates that 50% of the candidate lists submitted by parties in the local government elections be women.

¹¹⁸ EISA Lesotho Women Party Quotas

¹¹⁹ EISA Promoting Credible elections and Democratic Governance in Africa; Tanzania party quotas

¹²⁰ IPU' Global Classifications'

¹²¹ See The Constitution of the Republic of Namibia and EISA Promoting Credible elections and Democratic Governance in Africa; Namibia party quotas

The change of electoral laws within some member states, for example in Lesotho, the change from a purely plurality i.e. constituency based system of elections to one of mixed member proportional representation system in the National Assembly, saw the increase of representation of women from 3.8 percent (before the mixed system was introduced) to 25 % after the 2007 National Assembly elections.¹²²

In general an underlying factor that cannot be ignored is the political will of the leading parties. In particular where there is no mandatory quota implemented, with appropriate means of execution, the role that political parties play in facilitating the participation of women in politics is crucial. Voluntary quotas that may be adopted by individual parties may simply be a campaign strategy and are not always applied in practice. Ballington in recognising this, stated in relation to Mozambique that, the good performance at the parliamentary level has not necessary been reflected on other levels such as Cabinet which only had a female representation of 14% and Local Government level which recorded 17%. She stated that ‘even in a Proportional Representation system, the success of voluntary quota depends on inter alia the ‘goodwill’ of the leadership.’¹²³ The ANC in South Africa has on the other hand shown commitment towards the participation of women in decision making, its adoption of voluntary quotas at all levels has been applied in practice. In the National Assembly for instance women constituted 27.75 in the 1994 elections, this rose to 30% in 1999, to 32.75% in 2004 and currently as outlined 44.5% in 2009¹²⁴.

¹²² EISA Lesotho Party Quotas

¹²³ Julie Ballington ‘the implementation of quotas: African Experiences’ Quota Report Series The International Institute for Democracy and Electoral Assistance 2004

¹²⁴ EISA: South Africa Party Quotas

3.4 CASE STUDIES

SOUTH AFRICA

South Africa provides a good illustration of how a combination of strong national women's movements and political will has led to an increase in the participation of women in decision making over the years.

A number of political parties within SADC have adopted voluntary quotas, the African National Congress in South Africa which has had a quota for women implemented since independence, provides a good example of how voluntary quotas have been implemented in a proportional representation system. It has been argued by a number of academics that it is much easier to implement voluntary quotas in PR systems as opposed to Constituency Based systems. As explained by Nhundu, this is due to the fact that in a PR system rather than looking for one candidate that can appeal to a broad range of voters, the parties are inclined to consider candidates with ties and appeal to different groups and sectors of society to attract more votes to their party.¹²⁵

In South-Africa, initially the quota stood at 30% which as explained by Nhundu is the critical minority considered as necessary for women to have a significant impact on positions of power and decision making¹²⁶. The practice of the ANC was to ensure that at least every third person was a woman in drawing up the list of candidates for National Assembly and the provincial legislatures. That way women secured at least 33.3% of the votes. This voluntary quota was increased at the ANC Conference in Polekwane; the party adopted the principle of parity in its manifesto for the 2009 election. It committed itself to gender parity in Government and parliament by 2009. In 2009, in respect to the

¹²⁵ Kandawasvika-Nhundu, R. Expert Opinion 'Consolidated response on Gender Quotas in African Countries' International Knowledge Network of Women in Political Parties.

¹²⁶ EISA Report on South Africa

National Assembly 49.2% of the ANC members were women and on a provincial level 48.3% of the ANC seats in provincial legislature were occupied by women (Morna et al 2009, 16)¹²⁷

Due to the ANC's commitment in implementing this voluntary quota, the country has seen a steady increase in the participation of women.

Along with the political will of the ANC, this increase in women's representation and the strong basis for recognition of gender equality can be traced back to the struggle of women's movements that played a critical role in liberation. Women movements in South Africa saw the transition period from Apartheid State to democracy as an opportunity to address the issue of inequality and ensure that women were engaged in the formation of the new government and in the drafting of the new constitution.¹²⁸

In fact when the ANC was formed in 1912 women were not allowed to be full members of the party under the constitution. However despite this women still played a role in the ANC, under the leadership of Charlotte Maxeke, they formed their own organisation, i.e. Bantu Women's League. As a result of their activities the ANC decided to regard women as full members in 1944. The ANC Women's League was then formally launched in 1948, further the Federation of South African Women was established in 1954 and this was responsible for drawing up a Women's Charter in 1954. The ANC women joined Umkhonto we Sizwe and became spokespersons for the ANC internationally and built the mass democratic movement in the country. Due to this active participation of women, the ANC committed itself inter alia to a non-sexist South Africa. Gender equality and the emancipation of women formed a part of the ANC policy pronouncement. This was visible in the writing of the interim constitution.¹²⁹

¹²⁷ EISA South African Women in Politics

¹²⁸ Mavivi Myakayaka-Manzini 'Political Party Quotas in South Africa' in Julie Ballington 'the implementation of quotas: African Experiences' Quota Report Series The International Institute for Democracy and Electoral Assistance 2004 p58

¹²⁹ Ibid

In spite of the ANC's commitment to women, the ANC Women's League came together with a number of women in political parties across South Africa to form the Women's National Coalition (WNC), the aim of the WNC was also to ensure that Gender equality was entrenched in the new constitution and government of the country.¹³⁰

The WNC drew up a charter covering women's rights, during the constitutional negotiations. It was during this period that the ANC Women's League recognised the need for affirmative action and a quota system to address the under-representation of women in decision making and politics amongst other areas from which women have been excluded.¹³¹ At the time of drafting this charter the ANC women's league pushed for a 30% quota for women in the ANC's decision making structures, this was put forward in 1991 and underwent massive debates within the party and no conclusion was reached. Even so, the women still went ahead with a new strategy of initiating debates in the party, they identified allies amongst male members who could push this forward, as a result in the 1994 elections, a third of people elected to national and provincial legislature by the ANC were women. This pattern increased and currently South Africa stands as one of the top 3 performers in the world in respect to representation of women in national parliament.¹³²

At the final draft of the constitution both women's activists and an ANC majority were able to promote a range of women's rights which were included in the bill of rights.¹³³

Today South Africa has a constitution which is founded on equality; it is stated under article 1(a) that the South African state is "founded" on certain values, including "the achievement of equality." Section 7(1), the first provision of the Bill of Rights, also states that the Bill of Rights affirms the "democratic value of equality." In addition to this, the constitution has provisions addressing groups that have been historically disadvantaged and thus allowing for positive discrimination legislation as a remedy to this

¹³⁰ Lene Overland and Jayne Arnott 'A review of the 50/50 campaign from 2002-2005 and beyond GAP, CGE, 2006

¹³¹ Mavivi Myakayaki Manzini 'Voluntary Party Quotas in South Africa' in Ballington p 58

¹³² IPU Global Statistics

¹³³ Mavivi Myakayaki Manzini 'Voluntary Party Quotas in South Africa' in Ballington p 58

problem. It is stated under s9(2) of the constitution that, “legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken” in order “[t]o promote the achievement of equality.”¹³⁴

Although recognising that the voluntary quota adopted by the ANC had an undeniable positive impact on the participation of women in decision making, it is also recognised on the other hand that till this date the ANC is the only party in South Africa with a voluntary party quota.¹³⁵ In other words, the high representation of women in decision making is dependent on the ANC being the majority party. This has been recognised by women organisations in South Africa and in 2002 the Gender Advocacy Programme (GAP) initiated the Global 50/50 campaign. Currently GAP has partnered with a number of women organisations to advocate for a 50/50 representation bill advocating for gender equality at all levels of decision making.¹³⁶ The bill is being called for to ensure that the representation of women in politics is mandated by law rather than depending on the political will of the ruling party. Although there a number of concerns relating to how such legislation would be enforced a lot can be learnt from South Africa’s experience. The country’s history illustrates a strong commitment and movement in a country where women have fought so hard to achieve equality and will not stop until gender parity in decision making is secured.

Tanzania

The constitution of Tanzania reserves special seats for women in the National Assembly. The country operates under a single member constituency system of which the bulk load of the members are elected. However in respect to the quota, women are granted special seats using a proportional representation system. Seats are distributed amongst the parties in proportion to the amount of votes

¹³⁴ The Constitution of the Republic of South Africa No 108 of 1996 [Date of promulgation: 18 December, 1996] [Date of Commencement: 4th Feb 1997]

¹³⁵ EISA report on South Africa

¹³⁶ Lene Øverland and Jayne Arnott Gender Advocacy Programme ‘A review of the 50/50 campaign

that the party obtained. The constitution was amended for the 2005 elections and the quota was raised to 30%. The representation of women has steadily increased over the years due to this constitutional quota.¹³⁷

The bulk load of women have entered politics through the specially reserved seats, Meena records that from 1985, which is when the quota was first tested to 2000, 95 percent of the women entered parliament through the special seats arrangement.¹³⁸

This thus goes some way in showing the efficiency of imposing a mandatory quota in phallocentric cultures however, Meena has argued that the constitutional quota has had a negative impact on the participation of women in politics. She argued that the introduction of quotas decreased the chances of women entering politics through the normal constituency channel and records that although the representation of women has always been low even prior to the introduction of the quota, when the quota was introduced in 1985 women constituted only two percent of female member's of parliament that won constituency seats. There was thus a decline of 5.5% from the general elections in 1961 where 7.5% of women were elected in constituency elections. She argues that one of the consequences of the mandatory quota is that the competitive power of women has been watered down. As seats are already reserved for women, political parties no longer have the burden of nominating women to stand in constituency seats.

Meena also outlines the aspect of accountability. The quota system in Tanzania was introduced during the one party era, it was not specific to women rather it included other minorities such as youths. The initial reason for implementing quotas in favour of these groups was to ensure that the voices of these special sectors were heard at parliament level in a one party state. It was not to redress imbalances. However, although the reason for implementing quotas was to include different voices, these minorities

¹³⁷ EISA report on Tanzania

¹³⁸ Ruth Meena 'The Politics of Quotas in Tanzani' in Julie Ballington 'the implementation of quotas: African Experiences' Quota Report Series The International Institute for Democracy and Electoral Assistance 2004 p83

were not supposed to represent any particularistic interest, but rather they were supposed to represent the national interest. Indeed the common view amongst the women that were included through these special seats was that they did not represent women as a sector but rather they represented the nation.¹³⁹

In addition to this, in Tanzania each political party has the discretion in deciding which members enter parliament via the quota system. Each party thus has its own internal mechanism for nominating female representatives for these seats. The party is then allotted special reserved seats according to the votes obtained. She argues that as a consequence women entering parliament through reserved seats are thus tied to the interests of the party that nominated them in the first place.

Another constraint pointed out is although there have been positive steps taken in implementing a mandatory quota for women which has been raised to 30% in a constituency based electoral system, this has not been complimented by a strong political will. In Tanzania, no party has taken positive steps in relation to the representation of women in its highest organs including, 'the central committee and the national executive council, as well as in relation to party leadership at the regional, district or ward levels',¹⁴⁰

Although the quota as illustrated above has brought about the gradual increase in the representation of women now standing at 30.7%, this cannot be relied on in its entirety as it does nothing to address the male dominated political culture underground. As argued by Meena, 'The special seats arrangement should complement other efforts to transform political norms and values, which discriminate against women',¹⁴¹

Lesotho

Lesotho provides a good example of how the implementation of mandatory legislative quotas at Local Government Level in conjunction with a Proportional Representation system has led to an instant rise

¹³⁹ Meena in Ballington p83

¹⁴⁰ Meena in Ballington p86

¹⁴¹ Meena in Ballington p86

in women's representation. It thus begs the question, do quotas work? The country also went through a transition in its electoral system from a purely constituency based electoral system to a mixed member compensatory system that is, two thirds of the members are elected through a constituency based system based on plurality and the other third determined according to the party list, based on proportionality at national level. This transition has led to a gradual increase in the representation of women at national level.

To understand the significance of this gain for women, a brief summary of the Sesotho culture must be provided.

Sesotho culture like in many SADC Countries is phallogentric.¹⁴² The country operates under a dual system that is, customary law and common law under which women are legally considered to be minors having no rights or roles in the public sphere essentially dominated by men. In spite of this the Country's constitution (although drafted in masculine terms) deems discrimination of any kind illegal including that which may be set under customary law or private law. It makes provision under section 26 to "take appropriate measures in order to promote equality of opportunity for the disadvantaged groups in the society to enable them to participate fully in all spheres of public life".¹⁴³

The phallogentric culture has had a number of negative impacts on the country, the lack of social status of women led to the absence of women participation in government. Lesotho's electoral system historically tended to 'define political power and its dynamics as a site and space for men only'.¹⁴⁴ As observed by Lesotho Government in the African Union Solemn Declaration on Gender Equality in Africa (2006,8) report,

¹⁴² History and Culture of Lesotho <http://www.southafricalogue.com/travel-tips/the-history-and-culture-of-lesotho.html>

¹⁴³ Lesotho (2006) The African Union Solemn Declaration on Gender Equality <http://www.africa-union.org/root/au/Conferences/Past/2006/October/WG/Report-Lesotho.doc>

¹⁴⁴ Letuka Puleng, Mats Eliso Mapetla and Keiso Matashane-Marite (2004) ;Gender and Elections in Lesotho Perspectives on the 2002 elections' at <http://www.eisa.org.za/PDF/rr4.pdf> P16

'Politics in Lesotho are generally a male-dominated affair; since Independence in 1966, Lesotho's Parliaments have had minimal representation of women. This imbalance in representation stems from cultural norms in Lesotho where women have been systematically excluded from participating in political affairs. The patriarchal nature of the Basotho society confers decision-making powers and headship on males and contributes largely to the absence of women in mainstream politics.'¹⁴⁵

Politics in Lesotho existed prior to colonial times (1868), this was through open air meetings (Pitso) which every adult male was supposed to attend. This contributed to the subordination of women by bringing men together every afternoon whilst women were forced into routine family activities. During Colonialism Britain did not replace the gender discriminatory customs, instead a paralleled Roman Dutch Law operating in the Cape Colony was imposed on Lesotho. This law did not vary much from the customs already in existence as it reinforced similar gender discriminatory policies. In addition to this the colonial government pursued other discriminatory policies that reinforced male domination.

Gender aspects were invisible during early anti colonial struggles in Lesotho; early political parties ignored women and the problems of gender discrimination this illustrates women's inferiority and general attitudes towards women.¹⁴⁶

The invisibility of women continued post colonisation. Prior to 2002, the electoral system used in Lesotho was one of First Past the Post. In the first elections of 1960, legally women were not allowed to vote and virtually universally disenfranchised by the restriction of the vote to tax payers. Women were given equal rights to vote in the first elections held in preparation of independence in 1965, however they did not have equal access to political power. Women participated through campaigning, in addition to this, Agatha Griffs was the first woman to contest elections, even though she did not win, she was the first woman to break through a traditionally male domain.¹⁴⁷

¹⁴⁵ Lesotho (2006) The African Union Solemn Declaration on Gender Equality

¹⁴⁶ Francis A Makora 'Gender and Politics: A note on gender inequality in Lesotho' Journal of Social Development in Africa (1997) 12, 1, 5-14

¹⁴⁷ Letuka Puleng, Mats Eliso Mapetla and Keiso Matashane-Marite (2004) Gender and Elections in Lesotho

Women movements started pressurising men in the 1993 elections, which were held alongside the Fourth World Women's conference in Beijing. Women requested for some affirmative action to be taken by political parties in the form of a quota but this was rejected. Although this was rejected Gender issues were brought to the table and more women contested in these elections.

The Mixed Member Proportional System was introduced after the 1998 elections which ended in rioting. This was done under schedule 5 of the National Assembly Election Amendment act 2001. The 2002 elections were the first to be held under the new electoral system. Although PR systems have been held to be favourable to the representation of women than FPTP systems as stated by Wide

'one reason for these patterns is that in plural and majority systems each party nominates only one candidate in each constituency and female candidates are often seen as more risky choices. It is often assumed as less likely than the electorate would vote for a woman than a man. In PR systems the parties instead try to compose a list that attracts as many voters as possible. The electorate would see a list without any woman being listed as a negative thing',¹⁴⁸

The experience in Lesotho in the 2002 elections illustrates otherwise, in these elections out of the 80 candidates who came through the FPTP system, women won 10 seats and of the 40 PR systems 4 were allocated to women. PR systems in themselves do not guarantee equal representation or inclusion unless they are preceded by a system of alternating men and women on the list.¹⁴⁹

In the 2007 elections the Mixed Member Proportional system was complemented by internal party leadership quotas adopted by the ruling party, (Lesotho Congress for Democracy (LCD), which provided that 30% of 'the members of its central committee and committees on all other levels would be women'.¹⁵⁰ According to the EISA Observer Mission Report only 12.3% of constituency candidates were women and although 33% of list candidates were women, these like in the previous election were not well placed on the list with preference given to male candidates. However half of the women members of the National Assembly were elected through the party list.¹⁵¹

¹⁴⁸ Letuka Puleng p 45

¹⁴⁹ Letuka Puleng p 45

¹⁵⁰ EISA Lesotho Promoting Credible Elections & Democratic Governance in Africa Lesotho Women Representation Quotas <http://www.eisa.org.za/WEP/lesquotas.htm> May 2008

¹⁵¹ EISA May 2008 Lesotho Promoting Credible Elections & Democratic Governance in Africa Lesotho Women Representation Quotas <http://www.eisa.org.za/WEP/lesquotas.htm>

Women's representation increased in 2007 elections from merely 7.63 in 2002 to 25%.

Now considering the break through at local government level, Lesotho went through a new era of governance in 2005 with the introduction of Local Government. The use of quotas was introduced through the Local Government Elections Act (section 26(1), which reserved 'one-third of the local government level electoral divisions for women to be rotated each election for three elections'.¹⁵² This act was challenged by a prospective male electoral candidate as being unconstitutional because it excluded him from standing in a particular electoral division on the basis of his sex. The high court however upheld the quota in stating, 'that the provisions of the Lesotho constitution were aimed at substantive rather than mere formal equality of citizens'.¹⁵³

In the local government elections, 30% of the local Government electoral divisions were reserved for women, this resulted in a 58% representation of women throughout 'the community councils and district councils that form part of the Local Government structure'. Women also occupy other significant positions of responsibility and leadership i.e. 'District Administrators, District Council and Community Council Secretaries'.¹⁵⁴

The experience in Lesotho shows that a mandatory quota in conjunction with a PR system has had a tremendous positive impact on the representation of women. In addition to this the use of Quotas at Local Government level has received a number of positive remarks; a male focus group participant noted, "At first men did not understand. But as they see women performing well in positions of power they will realise that it is okay for women to lead."¹⁵⁵

¹⁵² Op Cit 25 Lesotho Women's Representation Quotas

¹⁵³ International Institute for Democracy and Electoral Assistance, Global Database of Quotas for Women <http://www.quotaproject.org/displayCountry.cfm?CountryCode=LS>

¹⁵⁴ Ibid

¹⁵⁵ Afrol News 'Gender Quotas win the day in Lesotho' at <http://www.afrol.com/articles/24985> (18, Nov 2008)

3.5 Conclusion

A lot can be learnt from the above case studies, the next chapter will formulate recommendations on best practices based on what has been learnt from these SADC experiences.

CHAPTER FOUR: RESEARCH CONCLUSION; RECOMMENDATIONS ON BEST PRACTICES

4.1 Introduction

The aim of this chapter is to question what can Zambia learn from the experiences in SADC? It will then draft recommendations on best practices drawn from experiences within the SADC region.

4.2 What has been learnt?

Drawing from SADC experiences, the following can be concluded:

1. In structures based on patriarchy, mere policy commitments are insufficient to raise the participation of women in Government. There is need to take some positive action mandating political parties to ensure an equal representation of men and women in decision making.
2. Most countries that have had an increase in the representation of women have adopted some form of affirmative action. The use of quotas amongst these countries, either voluntary or mandatory has been popular.
3. Although the use of voluntary quotas amongst a number of SADC countries has had a positive impact on the representation of women, these alone cannot be relied on as they depend on the ruling party (with internal quotas) always obtaining the majority vote.
4. Voluntary party quotas do not work well in constituency based electoral systems
5. When drawing up mandatory quotas to reserve seats for women, an important consideration is, why are these quotas being drawn up? Is it in merely in the interest of the State or is it to empower women? It is important to analyse the issues of accountability prior to drawing up quotas.

6. The electoral system has a huge impact on the representation of women in politics, Proportional representation systems have been reported to be favourable to the participation of women, whilst Constituency based electoral systems have been recorded to be detrimental to the participation of women in politics
7. Women's movements play a huge role in pressurising political parties to adopt gender parity policies. The drawing up of new constitutions and reforming law gave women movement's space in which to advance their interests.
8. Although quotas have had a positive impact, these must be complimented by a strong political will, thus political parties must be trained to be sensitive to issues of gender equality, otherwise, the law will prove futile as it will not change the situation on the ground.

4.3 Recommendations

Looking at the experiences in SADC a number of options exist for Zambia:

1. Zambia uses a First past the Post electoral system which has been shown to be detrimental to the representation of women, the first option that exists is as in the case of Lesotho changing the electoral system to that of a Proportional Representation system which is favourable to women. As much as this would have a positive impact, it must be recognised that amending the constitution is extremely difficult. Currently the country is drafting a new constitution; this gives space to women to advance provisions in their favour. This will require strong pressure from women's movements, who must collaborate with women MP's to advance a change in the electoral system.
2. Considering that a change in the electoral system may be too dramatic, a second option is one that exists in Tanzania. Tanzania like Zambia uses a constituency based electoral system; however the country has a constitutional quota reserving seats for women on a proportional

representation basis. The same can be done in Zambia. A similar provision can be included in the new constitution again; the role of women in pushing for such a provision cannot be undermined. Another option would be to legislate for such a provision, like in the case of Lesotho. It is argued by Nhundu that this is a more expedient way of implementing a mandatory quota,¹⁵⁶ although it is recognised that quotas implemented through the constitution would be much harder to remove.

3. It must be recognised that legislating to include more women in politics in itself is insufficient. This should be complimented with a strong political will. In Zambia currently there is no political party that has implemented voluntary party quotas. The parties must hence undergo gender training to be more responsive to the rights of women to participate in politics.
4. Another aspect to be considered is how would such a quota be implemented? There needs to be a strong electoral monitoring board with a background on gender matters, to ensure the enforcement of the quota. If seats are to be reserved, it should be analysed who picks the women to represent the parties in these seats. If political parties are given the task to do this, the screening process of candidates entering via these seats must be monitored, to ensure that women are accountable not only to the party but to women as a sector.
5. Training of women at grassroots level: we need to have more women educated and empowered to participate in politics. This requires the input of civil society in general. Another consideration is using the media to change the perceptions of women, i.e. erase the view that women belong in the private space and not the public space.

¹⁵⁶ Kandawasvika-Nhundu, R. Expert Opinion 'Consolidated response on Gender Quotas in African Countries' International Knowledge Network of Women in Political Parties

Bibliography

BOOKS

Carlson Anyangwe, *An Outline of the Study of Jurisprudence*, UNZA Press for the school of law 2005

G. Bauer, 'Namibia: Losing Ground Without Mandatory Quotas' in G. Bauer and H.E. Britton (eds), 2006, *Women in African Parliaments*, Lynne Rienner, 2006,

Henry J. Steiner, Philip Alston, Ryan Goodman *International Human Rights in Context, Law Politics Morals*, Third Edition, Oxford University Press 2008

Norris Pippa 'Breaking the Barriers: Positive Discrimination Policies for Women' Chapter 10 in Jyette Klausen and Charles S. Mailer's editions *Has Liberalism Failed Women? Parity, Quotas and Political Representation*, (NY: St Martin's Press). Draft 01/01/2000

S. Meintjes, 'The Politics of Engagement: Women Transforming the Policy process—Domestic Violence Legislation in South Africa' in A.M. Goetz and S. Hassim (eds), *No Shortcuts to Power. African Women in Politics and Policy Making*, Zed Books, 2003, pp. 140–59.

JOURNALS

Ballington Julie 'the implementation of quotas: African Experiences' Quota Report Series The International Institute for Democracy and Electoral Assistance 2004

Caiazza, A. 2002. 'Does women's representation in elected office lead to women-friendly policy?' *Research-in-Brief*, Institute for Women's Policy Research, May 2002 publication number 1910

Canadian Centre for Justice Statistics '*Family Violence in Canada: A Statistical Profile*, ' 2005 Catalogue no. 85-244-XIE

Delvin Claire and Robert Elgie 'The effect of Increased Women's representation in Parliament the case of Rwanda' Parliamentary Affairs Vol 61 No2. 2008, 237-254 Advance Access Publication

D. Sainsbury, 'Women's Political Representation in Sweden: Discursive Politics and Institutional Presence', Scandinavian Political Studies, 27(1), 2004, pp. 65–87.

Farley Melissa, Isin Baral, Merab Kiremire, Ufuk Sezgin, "Prostitution in Five Countries: Violence and Posttraumatic Stress Disorder" (1998) Feminism & Psychology 8 (4): 405-426

Frank Liz "The global 50/50 campaign gains momentum". Sister Namibia. FindArticles.com. 24 Jan, 2010. http://findarticles.com/p/articles/mi_hb281/is_2_14/ai_n28960340/ (accessed on 9/01/2010)

H.E. Britton, 'South Africa: Mainstreaming Gender in a New Democracy' in G. Bauer and H.E. Britton (eds) 2006, Women in African Parliaments, Lynne Rienner, 2006, pp. 59–84; K. Ross, 'Women's Place in "Male" Space: Gender and Effect in Parliamentary Contexts', Parliamentary Affairs, 55, 2002, pp. 189–201.

International Institute for Democratic and Electoral Assistance (IDEA), 'Women in Politics: Beyond the Numbers' 24 (2005)

J. Squires and M. Wickham-Jones, 'Women in Parliament: A Comparative Analysis', Equal Opportunities Commission, 2001, pp. 88–99.

Kethusegile- Juru Bookie Monica 'Quota systems in Africa an overview' in Julie Ballington 'the implementation of quotas: African Experiences' Quota Report Series The International Institute for Democracy and Electoral Assistance 2004

L.Wa'ngnerud, 'Representing Women', pp. 132–54 in P. Esaisson and K. Heidar (eds), *Beyond Westminster and Congress: The Nordic Experience*, Ohio State University Press, 2000, pp. 146–48.

Makora A Francis (1997) *Gender and Politics: A note on gender inequality in Lesotho* Journal of Social Development in Africa 12, 1, 5-14

Meena Ruth 'The Politics of Quotas in Tanzania' in Julie Ballington 'the implementation of quotas: African Experiences' Quota Report Series The International Institute for Democracy and Electoral Assistance 2004 p83

Miguda, Edith. "Expert Opinion on the question related to Rise of Women in Parliaments in Sub-Saharan Africa". 2008.
<http://www.iknowpolitics.org/en/node/4896>

Myakayaka-Manzini Mavivi 'Political Party Quotas in South Africa' in Julie Ballington 'the implementation of quotas: African Experiences' Quota Report Series The International Institute for Democracy and Electoral Assistance 2004

Nhundu- Kandawasvika, R. Expert Opinion 'Consolidated response on Gender Quotas in African Countries' International Knowledge Network of Women in Political Parties

Nicole McIntyre 'Women Still underrepresented in Parliaments worldwide' 2009 International Women's Day Feature, 8 March 2009 [MEDIAGLOBAL] at <http://www.mediaglobal.org/article/2009-03-08/women-still-underrepresented-in-parliaments-worldwide> (accessed on 03/01/2010)

Valerie Oosterveld 'The Definition of "Gender" in the Rome Statute of the International Criminal Court: A Step Forward or Back for International Criminal Justice?' Harvard Human Rights Journal
<http://www.law.harvard.edu/students/orgs/hrj/iss18/oosterveld.shtml>

Women's Legal Centre legal opinion '50/50 gender representation in south Africa' 2009

Reports

Bourke-Martignoni, Joanna 'Violence against Women in Zambia' Committee on the Elimination of Discrimination against Women 27th session 2-21 June 2002, at www.omct.org/pdf/VAW/ZambiaEng2002.pdf (accessed on 03/10/2009)

Central Statistical Office (CSO), Ministry of Health, Tropical Disease Research Centre, University of Zambia and Marco International Inc. 2009. *Zambia*
Dahlerup Drude 'Comparative Studies of Electoral Gendered Quotas; The implementation of Quotas, Latin Experiences' Paper Presented at International IDEA Workshop February 2003 Department of Political Science, Stockholm University Sweden

Demographic and health survey 2007. Calverton, Maryland. USA: Macro International Inc

Convention on the Elimination of Violence against Women Twenty-Seventh Session, Summary Record of the 551st Meeting, Held at Headquarters, New York, On Tuesday 4 June 2002 at
<http://sim.law.uu.nl/SIM/CaseLaw/uncom.nsf/fe005fcb50d8277cc12569d5003e4aaa/20749d84bfd4b1bb41256da90047912d?OpenDocument> (accessed on 3/01/2010)

International Parliamentary Union (IPU) Background paper prepared by the IPU for the United Nations Expert Group Meeting on "Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership." Addis Ababa, 24 - 27 October 2005 obtained from Inter Parliamentary Union 'Women in Politics: 60 years in retrospect' Data valid as of feb 2006. Geneva Switzerland

Lopi Barbara (Commission For Africa, Southern African Consultation Intercontinental Lusaka, Zambia) 'Gender and Poverty In the context of Human Development, Health, Education and the MDG's' December 2004 Southern African Regional Poverty Network. At

http://www.sarpn.org.za/documents/d0001002/papers/Gender_and_Poverty-WIDSAA.pdf (accessed on 10/02/2010)

Overland Lene and Arnott Jayne 'A review of the 50/50 campaign from 2002-2005 and beyond' GAP, CGE, 2006

Puleng Letuka, Mats Eliso Mapetla and Keiso Matashane-Marite (2004) Gender and Elections in Lesotho Perspectives on the 2002 elections at <http://www.eisa.org.za/PDF/rr4.pdf>

Report of the Secretary-General 'Review of the implementation of the Beijing Platform for Action and the outcome documents of the special session of the General Assembly entitled 'Women 2000: gender equality, development and peace for the twenty-first century' United Nations Economic and Social Council E/CN.6/2005/2

Singogo Kasote and Kakompe Kalenga 'Women in Zambian Political Governance: Documenting Women's Representation in the Parliament and the Executive' Second draft report, Zambian Association for Research and Development (ZARD)

United Nations Department of Economic and Social Affairs, Division for the Advancement of Women, 'Equal participation of Women and men in decision-making processes, with particular emphasis on political participation and leadership' Expert Meeting Addis Ababa, Ethiopia, 24-27 October 2005 at <http://www.un.org/womenwatch/daw/egm/eql-men/index.html> (accessed on 03/01/2010)

WHO Multi-country Study on Women's health and Domestic Violence against women. Summary report of initial results on prevalence, health outcomes and women's responses. Geneva World Health Organisation 2005, World Health Organisation Press

Zambian National Women's Lobby, Election Monitoring Report 'A Gender Analysis of the 2006 Presidential and General Elections' November 2006 Prepared by The Zambian National Women's Lobby [ZNWL]

Zambia's Response to the United Nations Questionnaire on Implementation of the Beijing Declaration and Platform for Action (1995) And the Outcome of the Twenty-

Third Special Session of the General Assembly (2000), For preparation of regional review and appraisals in the context of the 15th anniversary of the adoption of the Beijing Declaration and Platform for Action in 2010

WEBSITES

Afrol News (18, Nov), Gender Quotas win the day in Lesotho at <http://www.afrol.com/articles/24985>

Anti Violence Resource Guide, Facts about violence feminist.com <http://www.feminist.com/antiviolence/facts.html> (accessed on 06/01/2010)

Central Statistical Office Zambia 'Census data from Zambia' at www.zamstats.gov.zm/census.php (accessed on 23/12/2009)

EISA Promoting Credible elections and Democratic Governance in Africa at www.eisa.org.za

EISA Promoting Credible elections and Democratic Governance in Africa; Angola women in politics

EISA Promoting Credible elections and Democratic Governance in Africa; Democratic Republic of Congo party quotas

EISA Promoting Credible Elections & Democratic Governance in Africa Lesotho Women Representation Quotas <http://www.eisa.org.za/WEP/lesquotas.htm> May 2008

EISA Promoting Credible elections and Democratic Governance in Africa; Mauritius party quotas

EISA Promoting Credible elections and Democratic Governance in Africa; Namibia party quotas

EISA Promoting Credible elections and Democratic Governance in Africa; Tanzania party quotas

EISA Promoting Credible elections and Democratic Governance in Africa: Seychelles women in politics

EISA Promoting Credible elections and Democratic Governance in Africa; South Africa party quotas

EISA Promoting Credible elections and Democratic Governance in Africa; Zimbabwe party quotas

Hillary Mayell 'Thousands of Women Killed for Family honour' for National Geographic News February 2002 at http://news.nationalgeographic.com/news/2002/02/0212_020212_honorkilling_2.html (accessed on 12/01/2010)

History and Culture of Lesotho <http://www.southafricalogue.com/travel-tips/the-history-and-culture-of-lesotho.html>

Holder Christina 'Zambian Law and Women's Political Leadership' April 15, 2009 at http://www.africaonline.com/News/2009/04/15/090415_Zambia_Law_and_Women's_Political_Leadership.htm (accessed on 02/01/2010)

International Centre for Research on Women (ICRW) 'Violence against women must stop; towards achieving the third Millennium Development Goal to promote gender equality and empower women' at www.icrw.org/docs/2005_brief_mdg-violence.pdf (accessed on 01/10/2009)

International Institute for Democracy and Electoral Assistance (IDEA) global database for quotas for women <http://www.quotaproject.org/index.cfm> accessed on 12/08/2009

International Institute for Democracy and Electoral Assistance (IDEA) glossary of terms at <http://www.idea.int/esd/glossary.cfm#FPTP> Page last updated July 2, 2007 accessed on 12/08/2009

Inter Parliamentary Union <http://www.ipu.org/wmn-e/world.htm>

International Parliamentary Union 'Word Classification; Women in National Parliaments' 2009 statistics at [www. Ipu.org/wmne/classif.htm](http://www.Ipu.org/wmne/classif.htm) (accessed on 10/02/2009)

Lesotho (2006) The African Union Solemn Declaration on Gender Equality <http://www.africa-union.org/root/au/Conferences/Past/2006/October/WG/Report-Lesotho.doc>

Mana 'Dr Mutharika signs SADC Gender Protocol' Official Website for the Government of Malawi at www.malawi.gov/mw/stones (accessed on 9/02/2010)

National Organisation for women 'Violence against women in the USA, Statistics' at <http://bjs.ojp.usdoj.gov/>

The official United Nations site for the MDG Indicators, Millennium Development Goals Indicators: 'Seats held by women in national Parliament, percentage' at www.mdgs.un.org/unsd/mdg/Data.aspx (accessed on 23/12/2009)

UNIFEM 'Facts & Figures on HIV & AIDS' at www.unifem.org/gender_issues/hiv_aids/facts_figures.php#1 (accessed on 29/09/2009)

UN Secretary-General Ban Ki-Moon, 'Facts and figures on violence against women' 8 March 2007 at http://www.unifem.org/gender_issues/violence_against_women/facts_figures.php, accessed on 22/12/2009)

World Health Organisation 'Violence against Women' Fact Sheet No 239 June 2000 at <http://www.who.int/mediacentre/factsheets/fs239/en/index.html>

World Health Organisation 'Gender inequalities and HIV' at
www.who.int/gender/hiv_aids/en/ (accessed on 29/09/2009)

