



Ballot Update

Bulletin

March 2012

A Newsletter of Zimbabwe Election Support Network Issue 2

FREE

Electoral system reform and implications for gender equality

An electoral system is one of the most fundamental elements of representative democracy. A crucial moment in representative democracies where elected officials make decisions on behalf of the people is how these officials are being elected. This translation of the citizen's votes into representative seats is performed by the electoral system.

These different systems can be categorized into three main types: plural-majority systems e.g. (FPTP), Mixed Member Proportion (MMP) and Proportional Representation systems (PR). Characteristics of plural-majority systems are that the candidate who gains the most votes in a constituency wins all seats in that constituency. Mixed member proportional system, combines the advantages of the constituency based systems with those of the proportional ones, where in countries using this system, half the seats are elected from the FPTP race and half from the List PR race. In a proportional system, the parties receive seats in proportion to their overall share of the national vote.

The electoral system, whether it is plural-majority, mixed or proportional, can have an effect on how women and minorities are represented. When it comes to women's parliamentary representation the type of electoral system is considered to be the most significant predictor, even when compared with socio-economic variables like education and income.

The PR system is considered conducive to enhancing gender equality in politics and increasing the participation of women. Elections into public office must adhere to the principles of parity and the facilitation of such equal representation between women and men.

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There is need to conceptualize the discourse on gender and electoral systems within frameworks that recognize the contextual reality in which elections take place in Zimbabwe. The gravity of gender imbalance is even more apparent when cast within the demographics of the country which show that women representation at both the senate and parliament is on the extreme low side.

Out of the 56 women who contested for the 60 senatorial seats only 20 [33%] were elected. In House of Assembly out of the 116 women who contested the 210 seats only 30 [25 %] made it. This is despite the fact that women constitute around 52% of the population of Zimbabwe estimated at around 13 million. The electoral system in its current state does not facilitate women's participation either expressly or by implication.

“When it comes to women's parliamentary representation the type of electoral system is considered to be the most significant predictor, even when compared with socio-economic variables like education and income.”

Election news quotes

Election News Update (March)

“They are delaying the process arguing on small matters, but we are saying no, no, no. They are out of step. We must conclude this process. If they haven't finished in time, we will do it our way. If they reject the Constitution, we will go back to the Lancaster House Constitution, which gave us our independence. That is what we are going to tell the facilitator”
President Mugabe The Herald 31 March 2012.

“The stance South Africa has taken to reject attempts by President Robert Mugabe and Zanu PF to bulldoze Zimbabweans into another very likely bloody, unfree and unfair election is certainly sweet music to the ears of the citizens of this country”. **The NewsDay, 07 March 2012**

sms election related comments to: 0773 782 870

For feedback please E-mail: zesn@africaonline.co.zw / info@zesn.org.zw, Website: www.zesn.org.zw

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Issue No. 2 – March 2012

YOUTHS

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Nzira dzinoshandiswa pakuita sarudzo dzine chekuita nekuenzena kwehuwandu hwevanhukadzi nevanhurume pahutungamiri hwenyika.

Munyori weZESN

Nzira dzinoshandiswa pakusarudza hutungamiri hwenyika dzine chekuita pakugadzirwa kwehurumende ine hutungamiri hunomiririra vanhu zvakanwana. Naizvozvo zvakanosha kunzvisisa nzira idzi nekuti panoitwa sarudzo vatungamiri vanenge vasarudzwa ndivo vanomiririra vanhu mumatare ehutongi. Kune nzira nhatu dzinoshandiswa pakuita sarudzo. Nzira yekutanga inoti bato rawana mavhoti akawanda ndiro rinotonga. Nzira yechipiri inoti, bato rimwe nerimwe rinowana humiriri muhurumende zvichienderana nehuwandu hwevanhu varivhotera. Yechitatu musanganiswa wemhando mbiri idzi. Izvi zvinoreva kuti, chimwe chikamu chezvigaro zvevamiriri vehurumende chinotarudzwa pachishandiswa mhando yekutanga inoti awana mavhoti akawanda ndiye anotonga, zvakare chimwe chikamu chevamiriri vehurumende chinotarudzwa pachishandiswa nzira yechipiri inoti bato rimwe nerimwe rinowana humiriri zvichienderana nehuwandu hwemavhoti arawana.

Kana tichitarisa nyaya dzezvehuwandu hwevanhukadzi vari muhutungamiri hwenyika, zvakaonekwa kuti chikunzira chinotipa kuti vashiyikwe pane zvevatongerwo enyika inyaya yenzira dzinoshandiswa pakusarudza hutungamiri. Zvakaonekwa zvakare kuti nzira yechipiri inoti bato rimwe nerimwe rinowana zvigaro zvichienderana nehuwandu hwemavhoti inowedzera huwandu hwemadzinai anopinda munyaya dzezvevatongerwo enyika pamwe nekukurudzira kuenzana kwehumiriri hwevanhukadzi nevanhurume. Naizvozvo nzira dzinoshandiswa pakuita sarudzo dzinofanira kukurudzira kuti pave nehutungamiri hwevanhukadzi nevanhurume hwakaenzana. Mutsvagarudzo dzakaitwa kuSouth Africa neRwanda zvakaonekwa kuti kuenzanisa huwandu hwevanhukadzi nevanhurume pahutungamiri kunobatsira kuti pave nekugadzikana kwehurumende pamwe nekudzikisa hurombo.

Naizvozvo kuenzanisa huwandu hwevanhukadzi nevanhurume pahutungamiri ndiyo imwe yepfungwa inofanira kukosheswa pakugadzira mitemo yezvesarudzo nepakusarudza nzira dzingashandiswa pakusarudza vatungamiri. Naizvozvo zvakanosha kuti tinzwisise hukama huripo pakati penzira dzekusarudza nadzo vatungamiri nehuwandu hwevanhukadzi pahutungamiri, kunyanya kana tichiona kuti vanhukadzi vari muhutungamiri hwenyika vashoma chaizvo.

Semuenzaniso musarudzo dzakapedzira kuitwa muZimbabwe, pazvigaro 60 zvezasenator, vanhukadzi 56 vakakwikwidza asi 20 ndivo chete vakawana zvigaro. Zvakare pasarudzo dzevatungamiri vedare reparamende pazvigaro 200, vanhukadzi 116 vakakwikwidza asi 30 chete ndivo vakawana zvigaro.

Izvi hazvifadzi kunyanya tikanangira kuti vanhukadzi munyika ino ndivo vakawanda kupfuura vanhurume nechikamu chinovika 52%. Izvi zvinobudisa pachena kuti mhando yekusarudza hutungamiri iri kushandiswa parizvino muZimbabwe haikurudziri kupinda kwevanhukadzi mune zvevatongerwo enyika.

Zvimwe zvikonzero zvakaonekwa kuti zviri kutadzisa vanhukadzi kupinda mune zvevatongerwo enyika zvinosanganisira kushaya mari nezvekushandisa pakutsvaga rutsigiro, kusafarirwa nevanhurume,

“Nzira dzinoshandiswa pakusarudza hutungamiri hwenyika dzine chekuita pakugadzirwa kwehurumende ine hutungamiri hunomiririra vanhu zvakanwana”

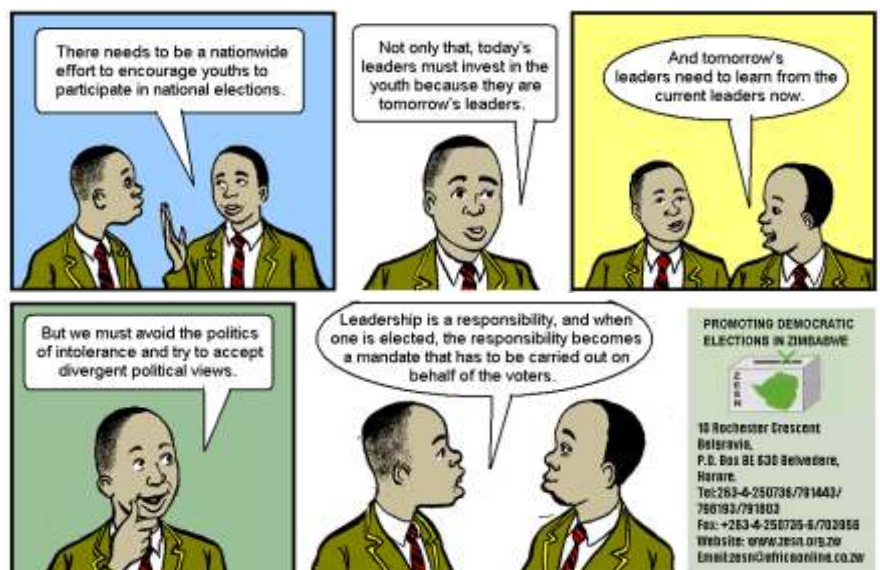
kusaitwa kwezviro zveruzhinji mumapato ezvevatongerwo enyika, kurwiswa nekushungurudzwa, kusawana ruzivo rwakakwana pamusoro pezvevatongerwo anoshandiswa

panyaya dzezvekuvhota, kushaikwa kwemitemo inokurudzira kuti mapato ezvevatongerwo ayezanise huiwandu hwevamiriri hwevanhukadzi nevanhurume, kurwisana kunoitwa panyaya dzezvevatongerwo enyika pamwe nekushayikwa kwemari nezvimwe zvinoshandiswa nemapato ezvevatongerwo enyika.

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Observed situational constraints to women's participation in electoral politics include resource challenges at primary level; hostility from men; lack of intra party democracy; violence and abuse; lack of adequate access to information on voting and election procedures; the role of political parties (political parties are under no legal obligation to ensure gender equality or representation in their parties); the violent nature of politics; and restrictions on party funding, (it is provided for by government and the Political Parties Finance Act prohibits funding by organizations and institutions external to Zimbabwe). For women, adopted electoral systems must not only guarantee legitimacy, fairness, and conciliation, but most importantly, must ensure 50 percent women representation in parliament.

Electoral systems are critical to the formation of governments and its legitimacy. Electoral systems reform is imperative in deepening democracy and promoting political stability. Gender equality is vital to good governance and poverty eradication, and countries such as Rwanda and South Africa where women representation have been promoted, political stability and massive improvement in economic development and general standards of living have been achieved. Thus gender equality should form the heart of electoral reforms and constitutional design.





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AN ANALYSIS OF MARCH 2012:

The Global Political Agreement

The GNU continues to grapple with issues of cohesion and scandals that brings issues of its credibility into the spotlight. The major issue the GNU grappled with in this period was accountability regarding the Constituency Development Fund (CDF). This has brought to light the challenges the unity government faces in ensuring that the rule of law prevails and that all are equal before the law. The polarisation of print and electronic media has also been exposed in the way in which different individuals that had not properly accounted for the CDF were handled. There was partiality in the way the issue was handled depending on which political party one was aligned to.

Inguquko yohlelo lwezokhetho kanye lekutshoyo ekulinganisweni kwamathuba abesilisa labesifazana

Uhlelo lwezokhetho lungenye yezimfanelo ezimqoka embusweni oqakathekisa ukukhululeka kukazulu. Okuqakathekileyo embusweni onje lapho iziphathamandla ezikhethiweyo zibeka izinqumo zimele uzulu yikuba leziziphathamandla zikhethwa njani. Lokhu kuguqulwa kwamavoti ezizalwane esiba yizihlalo zabameli kwaneliswa luhlelo lwezokhetho.

Inhlelo lezi zingahlelwa emaqenjini amathathu ehlukene: i-plural majority systems, njengomzekeliso i" FPTP", i-Mixed Member Proportion (MMP), kanye le-Proportional Representation (PR). Elakuqala limisa ukuthi oncintisayo onguye othole amavoti amanengi kulabanye bonke esabelweni nguye othatha izihlalo zonke ezikuleso sabelo. Elesibili lona lihlalanisa okuhle ngohlelo olugxilise ezabelweni kanye lalolo oluya ngemiphumela yamanani amavoti omuntu ngamuntu oncintisayo. Emazweni asebenzisa lolu hlelo, ingxenyi yezihlalo ikhethwa kuhlelo lweFPTP, kuthi enye ingxenyi isuke kuluhlu lokhetho olwePR. Kuhlelo lwe "proportional sytem", amabandla athola izihlalo kusiya ngenani lamavoti awatholileyo ekhethweni.

Uhlelo lwezokhetho, kungakhathalekile ukuthi ngolwe "plural-majority", i-"mixed" loba i-"proportional system", lungaba lakho ukuphathaphatha indlela abesifazana labanye abangandanga abamelwa ngayo. Nxa kukhangelwe ukumelwa kwabesifazane edale lePalamende, uhlolo lohlelo lwezokhetho lukhangelelwe ukuba ngunokomaba omkhulu, laloba kuqathaniswa ngezinto eziphathelele lenhlalo kanye lenotho yabantu, okunjengemfundo kanye lehlo.

Uhlelo lwePR lubonakala njengohlelo oluvumela kakuhle ukulinganiswa kwamathuba abesilisa labesifazana kwezombusazwe kanye lokwengeza ukuphatheka kwabesifazana. Inketho zezikhundla zokusebenzela uzulu zifanele zihambelane lemgomo yokusebenzelana ndawonye kanye lokumelwa okulingeneyo phakathi kwabesilisa labesifazana. Kulendengeko yokubheka ubudlelwano bobulili lezimo zokhetho ngendlela enaka oqotho okwenzakalayo kumavoti eZimbabwe. Ukuzika kokungahambelani kokumelwa kobulili kubaluleka kakhulu nxa kukhangelwe amanani elizweni wona atshengisa ukuthi ukumelwa kwabesifazana edale leSeneti kanye lelePalaende kwehle kakhulukazi. Phakathi kwabomama abangamatshumi amahlanu lasithupha (56) abancintisayo kuzihlalo ezingamatshumi ayisithupha (60) ezeSeneti, abangamatshumi amabili (20) kuphela [okuyingxenyi engamatshumi amathathu lantathu ekhulwini - 33%] yibo abakhethwayo. Edale lePalamende, phakathi kwabomama abalikhulu letshumi lasithupha (116) abancintisela izihlalo ezingamakhulu amabili letshumi elilodwa (210) ezikhona, abangamatshumi amathathu (30) [okuyingxenyi engamatshumi amabili lanhlano ekhulwini - 25%] kuphela yibo abaphumelelayo. Lokhu kwenzakala nje loba inani labesifazana eZimbabwe lifika ingxenyi engamatshumi amahlanu lambili ekhulwini (52%) phakathi kwabantu abafika izigidi ezilishumi lantathu (13 million). Uhlelo lwezokhetho olukhona khatshi alukwanelisi ukuphatheka kwabesifazana okubalulekileyo loba okungemgceke.

Ezinye zezingxaki eziphazamisa ukuphatheka okupheleleyo kwabesifazana kwezombusazwe zibalisela, ukungeneli kwengebo kukhetho lwabameli bamabandla abazancintisa kumavoti; ukukhahlaneywa ngabesilisa; ukuswelakala kobuqotho ebandleni; udlakela lesihluku; ukuswelakala kwemibiko eyaneleyo mayelana lokuvota kanye lokuqutshwa kokhetho; umlandu wamabandla ezombusazwe (amabandla ezombusazwe kabotshelwa ngumthetho ukuba abe lokulinganiswa kwabameli phakathi kwabesilisa labesifazana); udlakela oluphathelele lokhetho; kanye lokuncipha kwezimali eziphiwa amabandla (le imali yabelwa nguHulumende, kuthi uMthetho we Political Parties Finance Act wenqabela amabandla ukuthola usizo lwemali kuzinhlanganiselo eziphandle kweleZimbabwe). Izinhlelo zokhetho ezisetsenziswayo kumele zilethe ubuqotho lokumanyana, ziphinde zanelise ukuba khona kobumeli besifazane obuyingxenyi engamatshumi amahlanu ekhulwini (50%) kudale lePalamende.

Inhlelo zokhetho zimqoka ekubunjweni kukaHulumende kanye lekubeni gotho kwakhe. Ukuguqulwa kwenhlelo zokhetho kuyadingeka ukuze kube khona umbuso oqotho kanye lomumo wezombusazwe ozothileyo. Ukulinganiswa kwamathuba abesilisa labesifazana kuqakathekile embusweni olungileyo lekwesulweni kobumpofu. Emazweni anjengeRwanda leSouth Africa, lapho ubumeli besifazane sebuphakanyiswe khona, ukuzotha komumo wezombusazwe kanye lokuphumelela kwezomnotho lokuphila kwabantu sekuqongse kabanzi. Ngakho-ke ukulinganiswa kwamathuba abesilisa labesifazana kumele kube yingxenyi emqoka yenguquko yezokhetho kanye lokubunjwa kwesisekelo sombuso.

During the same period the effects of impunity came to a climax with the death of a civilian at police hands and the injury of 11 people. The lack of respect for human life cannot be condoned as Zimbabwe prepares for the referendum and the general elections in which stakes will be high. Inability to respect life results in lack of credibility and trust in the police. Prior to this incident, the police became a source of terror for taxi operators and kombi operators as they reigned their terror on these groups. Often seen with the sticks and rubber sticks. The wanton use of excessive violence even when unwarranted has been experienced by citizens in one form or another either as a victim or a spectator. The effect remains traumatising on both the witness and the victim. While police officers are able to use force, the public expects them to use force appropriately. The police are meant to safeguard the rights of the citizens but instead they became the very instrument of human rights violations

Constitution making process

The constitution making process continues with the Select Committee having completed 18 of the 19 chapters. Outstanding issues yet to be agreed on aspects around devolution and dual or mono citizenship. Media reports have indicated the suspension of the death penalty except for cases of aggravated murders. In its press statements, COPAC has affirmed on the issuing of a draft constitution soon followed by the much anticipated referendum. An interesting development during this period was the leaking of the draft constitution to the state media. The rationale for the leak could be explained in three ways, firstly to unsettle the negotiating process so that you bring out issues to the public domain while they are still under discussion. Secondly it is to prematurely bring issues to the debate before they are ripe then unsettling the process. The other reason could have been that ZANU PF was not happy with the draft and so they brought it out before it was due. It could be an expression of dissatisfaction with the process and the manner in which the process is exclusionary yet it should be more transparent and accessible to the citizens. The leakage could have been to undo the credibility of the process and the document.

Elections - "with or without the constitution"

The continued call for elections before the end of the constitution making process and in the absence of reforms is worrying. While ZESN applauds the reiterations by the SADC mediator President Zuma that elections can only be held once reforms that would guarantee a free and poll have been put in place, ZESN is largely of the view that SADC has to some extent taken a back seat and has not provided enough pressure to bear for the full implementation of the GPA. A whole raft of reforms that remain critical before elections can be done in Zimbabwe include; the cleaning of the voters roll, repealing of POSA and AIPPA, the proposed electoral amendment bill, the referendum act and ensuring the independence of ZEC from the executive influence among others. Institutional reform remains critical though very little has been done as evidenced by impunity and the ways in which discretion has been abused by the police, office of the president among others.



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Faith based organisations have also reiterated the need for the full implementation of the GPA before elections can be held. Churches have also urged SADC, the guarantors of the agreement to ensure that parties to the GPA fully implement the outstanding issues in the agreement. In a statement the churches under three independent bodies of the Zimbabwe Council of Churches, the Zimbabwe Catholic Bishops' Conference (ZCBC) and the Evangelical Fellowship of Zimbabwe (EFZ) noted the need for the government of Zimbabwe to create conditions that allow citizens to exercise their freedoms, including genuine elections that allow citizens to choose leaders of their choice in peace.

The President of Zimbabwe, Robert Mugabe has reiterated that Zimbabwe will go for a referendum in May this year failure of which will revert to the Lancaster House Constitution and holding of elections before the end of the year. On the other hand the Constitutional and Parliamentary Affairs Minister Eric Matinenga said drafters of the Constitution making process will be through writing the first draft chapter by mid-April but a referendum will be out in September the earliest. COPAC's March Press Statement indicated that a lot of progress has been made on the constitution making process, and assured the nation that the new constitution will be out soon. ZESN is taking note of these controversial statements, and hopes that COPAC will remain working in the best interest of the nation and remain committed to its mandate of spearheading a people centred process.

Constituency Development Fund

The Constituency Development Fund is yet another issue that has raised citizens' doubts about the calibre of representatives they chose. All parties in the GPA have been touched by the scandals related to the CDF in one way or another. The funds have not been used for the intended purpose which raises issues of accountability and responsiveness to citizens needs. As Zimbabwe still grapples with the effects of the decade long crisis, the needs in the constituencies are enormous and the CDF could have contributed to resolving some of them as the politicians promised in their campaign speeches. The fact that the funds have been used for personal purposes is a reflection of the inability of the members of parliament inability to honour their campaign promises. ZESN is concerned with the halt by the Attorney General on arrests and investigation as a bid to protect MPs from public scrutiny. We thus urge the responsible authorities to bring to book those who misappropriated the funds as the constituency development fund is meant to development projects in constituencies.

Police brutality and impunity

Police brutality and impunity which has never been resolved culminated in the death of a civilian at the hands of the police. Citizens are baffled as to the logic of the loss of human life over 20 grammes of gold whether fake or genuine.

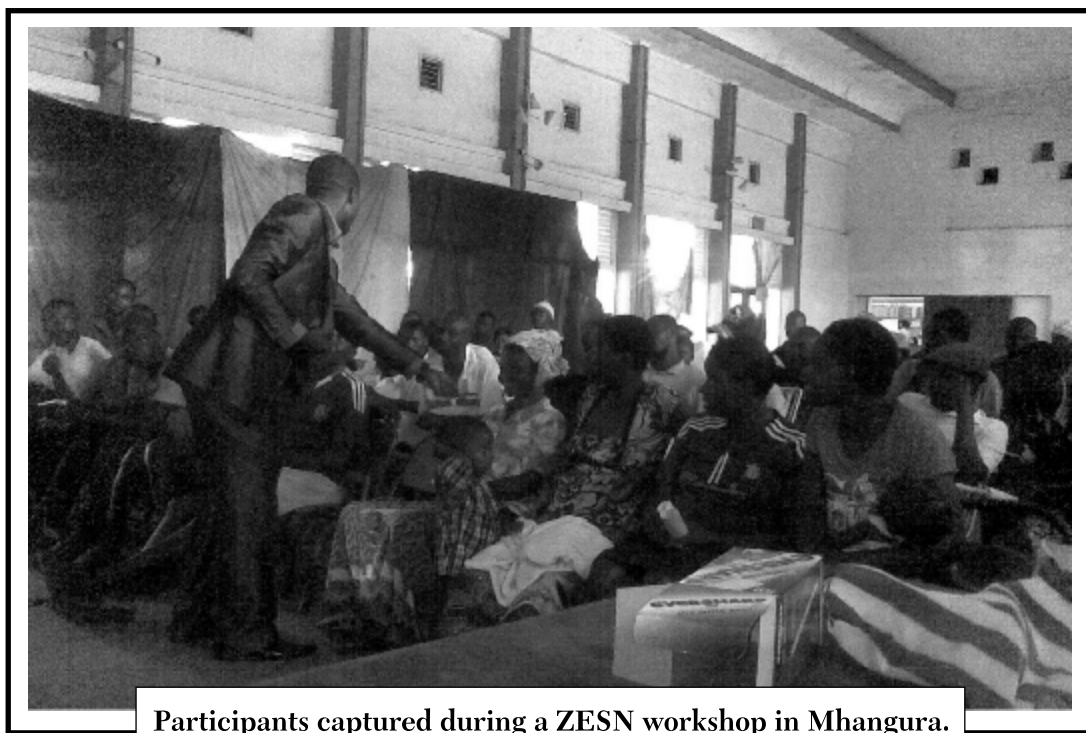
The police need to respect the sanctity of human life. Shamva police station officer in charge, Aspias Shumba and seven other officers took the law into their own hands and physically assaulted the deceased Luxmore Chivambu of Ashley Mill Compound in Shamva and 11 other residents after his wife had bought 30 grammes of fake gold from the mill. ZESN condones the unnecessary loss of life and argues that human life is worth far more than the 30 grammes of fake gold that Luxmore died for. Respect for human rights needs to be inculcated in uniformed forces and actions should be tempered with respect for life and the respects for the dignity of persons. Use of excessive force by the police has been experienced in recent months by kombi operators and taxi operators

Banning of NGOs in Masvingo

ZESN condemns the suspension of NGO activities in Masvingo by the Governor of the province. In addition, civil society groups have come coalesced together to condemn the action as illegal and unconstitutional. In total 29 NGOs were banned by the Governor of Masvingo, Mr Titus Maluleke accusing them of being unregistered with his council which has since been declared illegal by the Minister of Labour and Social Welfare Honourable Paurina Gwanyanya-Mpariwa. In the same onslaught of NGOs, President Mugabe has accused NGOs of burning the midnight oil to ensure his downfall alleging that they are pushing for foreign agendas. ZESN notes that such statements do not provide for peaceful co-existence between the state and non state actors and do not create a credible working relationship based on trust and mutual reciprocity. NGOs that promote human rights are not enemies of the state but ensure that citizens are aware of their rights and obligations and contribute significantly to the development of civic engagement and complement government efforts in the provision of goods and services.

Chipangano and citizen freedoms

The notorious Chipangano group which has continued to violate citizens' rights to free speech, assembly has escalated its operations in 2012. ZESN notes with concern the group's disturbance of MDC meetings and rallies. The youth militia is also threatening people not to vote for the MDC as this will have great repercussions for them. While the GPA provides for the restoration of freedoms by parties to canvass for support and to organise, this has been largely curtailed in Mbare and other surrounding constituencies by the activities of this group. The police have done nothing to put a halt to this group, consequently, they have become a law unto themselves. ZESN continues to call for the disbanding of the group as it has debilitating effects on respect for diversity, political tolerance, freedom of assembly, association among others.



Participants captured during a ZESN workshop in Mhangura.

Election Food for thought
 "Those who cast the votes decide nothing. Those who count the votes decide everything." - Joseph Stalin