

# Chapter 5

## Gender and Election Management Bodies



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### Key points

- Election management bodies (EMBs) have a role to play in levelling the playing field. This starts with gender-responsive practices within their own institutions – a test of their own commitment to inclusive elections.
- EMBs should develop and publicise clear guidelines for political parties to facilitate the implementation of gender obligations in the electoral framework. EMBs should be empowered to enforce such gender obligations.
- EMBs should develop gender-responsive codes of conduct, which all parties should sign up to, as part of the pre-election period activities.
- EMBs should develop and regularly update gender-disaggregated databases that include information on key parameters over the years. For example, the proportion of women as candidates at all levels, as voters, as election managers and as political party agents.
- Concrete strategies should be devised to address gender-based electoral violence.



EMBs are key stakeholders in the electoral process. Responsible for the management and conduct of elections, EMBs play a crucial role in ensuring that fair, credible elections are held and in the end accepted (Commonwealth Secretariat 2016b).

All 18 Commonwealth African countries have some sort of EMB in place. While legislation defines the scope of work undertaken by EMBs, their own internal policies and processes demonstrate their commitment to contributing to gender equality in politics.

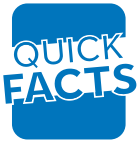
This chapter outlines the steps necessary to ensure the gender responsiveness of EMBs internally, as well as the mainstreaming of gender in elections. The chapter demonstrates the strategic and catalytic role that EMBs are well poised to play in promoting gender equality.

In January 2017, the Commonwealth Secretariat conducted a survey on gender mainstreaming in Commonwealth Africa EMBs. The snap survey shows that while there have been efforts to mainstream gender in the EMBs, these are still inconsistent. As reflected in Table 5.1:

### Box 5.1 Promoting gender equality throughout the electoral cycle

'There is an emerging body of guides for EMBs in promoting inclusive elections which list a number of measures. In my view, the guides which promote gender equality through the electoral cycle are most effective. These put specific emphasis on measures to be executed during the pre-election period, election period and post-election period. The pre-election period will include measures relating to registration, nomination of candidates and parties, and voter outreach. The election period will cover planning for election day, polling place management, voter information, while the post-election period will include election assessment, recommendations for regulatory framework and strategic and action plans.'

*Advocate Notemba Tjipueja, Chair, Namibia Electoral Commission*



- Eight EMBs said that gender was mainstreamed but not 'adequately'. Four EMBs said that gender was mainstreamed to a large extent.
- Six out of 18 – or one-third of the EMBs – said they had a gender policy (Lesotho, Namibia, Nigeria, Rwanda, Sierra Leone and Zambia).
- Six out of 18 – or one-third of the EMBs – said they had gender focal points (GFPs) (Nigeria, Rwanda, Sierra Leone, South Africa, Tanzania and Zambia).
- Women lead five of the 18 electoral commissions (28 per cent). These are Ghana, Lesotho, Malawi, Namibia and Sierra Leone.
- Overall, women constitute 28 per cent of election commissioners in the EMBs.
- Women constitute 24 per cent of senior managers in the EMBs.

## 5.1 Challenges in recruiting women to senior positions

From the survey, it is clear that an area that all EMBs are struggling with is recruiting women to senior management (24 per cent of the total). The recent study commissioned by the IEC in South Africa offers interesting insights into why this may be the case, at least in that context. Many of the issues raised in principle are likely to apply in other Commonwealth African countries.

**Table 5.1 Gender audit of electoral commissions in Commonwealth Africa in 2016**

Country/EMB	Is gender mainstreamed in your EMB?	Gender policy	Gender focal points	Legal provisions for gender-balanced recruitment	Number of women commissioners/total	% women on EMB	Chair M/F	Number of women managers/total	% women managers
Independent Electoral Commission of <b>Botswana</b> (IEC)	No	No	No	None.	3/7	43%	M	11/183	6%
Elections <b>Cameroon</b> (ELECAM)	Yes, but not adequately	No	No	None, but appointment and recruitment policies in EMB are gender sensitive.	4/18	22%	M	40/89	45%
Electoral Commission of <b>Ghana</b> (EC)	Yes, but not in legislature	No	No	None, though chair is female and one of deputy chair persons is female. Now gender imbalance favouring women.	5/7	71%	F	Not available	Not available
Independent Electoral and Boundaries Commission of <b>Kenya</b> (IEBC)	No	No	No	None, deputy chair is a woman. Five women out of 11 senior staff; 12 women out of 28 senior staff heading the secretariat – CEO is male and deputy is female.	3/8	38%	M	12/28	43%
Independent Electoral Commission of <b>Lesotho</b> (IEC)	Yes, but not adequately	Yes – developed and adopted	No	None, one woman out of three commissioners, three women out of six executive managers.	2/5	40%	F	3/6	50%
<b>Malawi</b> Electoral Commission (MEC)	Yes, but not adequately	Planned	No	None; although in practice the appointing authority complies with gender balance considerations, all three executive managers are men.	5/7	71%	F	0/3	0%
<b>Mauritius</b> Electoral Boundaries Commission	N/A	N/A	No	Indirectly through constitutional provision that stipulates that there should be no discrimination on gender grounds in the performance of the functions of any public office or any public authority.	0/1	0%	M	9/14	64%

(Continued)

**Table 5.1 Gender audit of electoral commissions in Commonwealth Africa in 2016 (Continued)**

Country/EMB	Is gender mainstreamed in your EMB?	Gender policy	Gender focal points	Legal provisions for gender-balanced recruitment	Number of women commissioners/total	% women on EMB	Chair M/F	Number of women managers/total	% women managers
<b>Mozambique</b> Comissão Nacional de Eleições (CNE)	Unsure	N/A	No	No requirements for gender balance in recruitment and appointment of commissioners and staff.	2/17	12%	M	5/12	42%
Electoral Commission of <b>Namibia</b> (ECN)	Yes	Yes	No	The Electoral Act, Act 5 of 2014, makes provision that at least two commissioners should be female; two women are deputy directors in the secretariat.	2/17	17%	F	5/12	42%
Independent National Electoral Commission of <b>Nigeria</b> (INEC)	Yes (sex-disaggregated data for the 2015 elections)	Yes	Yes	None.	Data unavailable/13	Unsure	M	5/unsure	TBC
National Election Commission of <b>Rwanda</b> (NEC)	Yes	Yes	Yes	There are constitutional guarantees for the effective participation of women in all decision-making processes.	3/11	27%	M	1/3	33%
Electoral Commission of <b>Seychelles</b> (ECS)	Yes, but not adequately	N/A	Unsure	None currently. Conversely, of the technical staff, nine assistant registration officers as well as the chief registration officer are female.	1/5	20%	M	Data unavailable	Data unavailable
National Electoral Commission of <b>Sierra Leone</b> (NEC)	Yes, to a large extent	Yes	Yes	None, but in practice, the government has always ensured a gender balance in the appointment of commissioners.	2/5	40%	F	1/8	13%

(Continued)

**Table 5.1 Gender audit of electoral commissions in Commonwealth Africa in 2016 (Continued)**

Country/EMB	Is gender mainstreamed in your EMB?	Gender policy	Gender focal points	Legal provisions for gender-balanced recruitment	Number of women commissioners/total	% women on EMB	Chair M/F	Number of women managers/total	% women managers
Electoral Commission of <b>South Africa</b> (IEC)	Yes, to a large extent; study on gender and mobility in IEC to be implemented in 2017	No	Yes	Constitution of the Republic of South Africa (1996) viz. Section 1 (b) – Non-racialism and non-sexism, and to Section 9, Equality, Commissioners nominated by the public; interviewed by Chief Justice of the Constitutional Court, representatives of the Human Rights Commission, Commission on Gender Equality, Public Protector.	1/5	20%	M	2/3	67%
Elections and Boundaries Commission of <b>Swaziland</b> (EBC)	No	None	No	None	1/4	25%	M	Data unavailable	Data unavailable
National Electoral Commission of <b>Tanzania</b> (NEC)	Yes, but inadequately	The NEC has a gender focal point	Yes	No specific legislation, three out of seven commissioners are female; likewise, 73 out of 164 NEC staff are female.	3/7	43%	M	Data unavailable	Data unavailable
Electoral Commission of <b>Uganda</b> (EC)	Yes, but not adequately	No	No	No specific legislation; guidelines for inclusion of people with disability.	3/7	43%	M	2/17	12%
Electoral Commission of <b>Zambia</b> (ECZ)	Yes, but inadequately	Yes	Yes	None.	1/3	33%	M	1/3	33%
<b>TOTAL</b>					<b>41/147</b>	<b>28%</b>	<b>5/18 (28%)</b>	<b>97/381</b>	<b>24%</b>

Source: Survey of Commonwealth Africa EMBs and additional desktop research

### Case study 5.1 South Africa probes dearth of women managers in elections



In April 2016, the Human Sciences Research Council (HSRC), conducted a study titled *Transforming the Electoral Commission: Staff Perceptions of Gender Equality and Mobility* in response to a request by the Electoral Commission of South Africa (also known within the country as the IEC). The report aimed at explaining the lack of women's representation at senior levels within the IEC.

The research was done using a qualitative and quantitative mixed-method approach consisting of focus groups, online surveys and key informant interviews. The study found several organisational practices that hindered women's involvement at higher levels of management.

From the study, higher rank staff members indicated that they are more likely to feel exhausted by their work and often find themselves sacrificing their personal time for work. Many senior female managers felt that their jobs affected their family time more so during the elections period, ultimately affecting people's overall personal relationships. Many lamented that the IEC did not place family at the core of employees' lives. In line with this, female respondents noted that female employees tend to ignore certain promotional positions, as these would place additional pressure on them. Consequently, senior management positions were often sought by women who were past child-bearing age.

In terms of organisational culture, the study found that the lean structure of the electoral commission does not provide promotional opportunities for women and these tend to diminish the higher up a person goes. Lack of deputy managerial positions (a prerequisite for appointment to manager positions) means that most internal candidates cannot apply for manager positions and so many women cannot move up. Women employees also noted that men were more likely to be promoted over them.

A gendered division of labour exists at work, where some positions tend to be viewed as either strictly male or female. Female focus group participants noted that the organisation is stereotypical and women are restricted or concentrated to human resources and corporate services units, which are viewed as 'feminine' posts.

The patriarchal nature of the electoral commission came up as another key issue. Fewer women than men noted that they felt free to raise their opinion at work without being ridiculed. Furthermore, fewer women than men indicated that their 'voice was heard' at work. The electoral commission's work environment was not viewed as a level playing field for women and it was noted that women, including those in senior chair positions, have to put in extra effort to be recognised in their work – which is not always the case with men.

When it comes to workplace discrimination, results show that the discrimination observed the most was race/colour, followed by gender, culture, age and language, in descending order. On the issue of salary, the survey found that the electoral commission largely does not discriminate between men and women.

In terms of employment equity, key informant participants noted that that the commission considers both race and gender in advertisements and recruitment selection processes.

As for sexual harassment in the workplace, most of the online survey participants (n = 629) agreed that sexual harassment is not tolerated at the electoral commission (71 per cent agreed or strongly agreed compared to 7 per cent that disagreed or strongly disagreed).

Overall, female participants were less positive than their male counterparts about the electoral commission's efforts to address the advancement of women. For example, a smaller proportion of women (41 per cent) than men (66 per cent) agreed that the electoral commission is serious about eliminating barriers that prevent women from reaching their potential.

*Electoral Commission of South Africa (IEC)*



## 5.2 How EMBs are mainstreaming gender institutionally

While efforts at gender mainstreaming in the EMBs are still patchy at best (and non-existent at worst), pockets of good practice contribute to a collective wisdom about what needs to be done to promote gender-responsive institutions. These include the following.

### Developing gender policies

Having a stand-alone gender policy helps ensure that gender mainstreaming outlives particular individuals who may champion gender causes within the organisation. Ideally, such gender policies should be reflected in the vision and mission of the EMBs (if these are to move from being gender-blind or gender-neutral to being gender-aware).

### Appointments

EMBs are adopting policies and practices to ensure a gender balance in their own organograms. Most would appear to be drawing from general constitutional provisions on non-discrimination on grounds of gender. Rwanda and Kenya have specific constitutional requirements on gender balance in public positions and Namibia's Electoral Act makes provision that at least two out of the five commissioners should be female.

Even in the absence of specific constitutional and legal requirements, appointing authorities, in the case of commissioners, are increasingly ensuring a gender balance. In Sierra Leone, for instance, although there is no such legal requirement, from 2011 to 2016, out of five commissioners, three were female, including the chairperson. At the time of writing, the balance was two women and three men.

A lack of progress in achieving gender equity is evident from the continuing low number of women elected to parliament and the lack of women occupying senior positions in political parties or government (as well as in EMBs). The challenge is to translate the Commonwealth's ideals into everyday practice. Too many EMBs – even though they may boast attractive-sounding policies in this area – remain dominated by men.

A fundamental change in attitudes to gender will be required if the current situation is to change fundamentally. EMBs should include a commensurate number of women at all levels of leadership. Yet this will not happen without the adoption of clear strategies for women's advancement. Where necessary, tailored training programmes should be developed to make it easier for women to progress to positions of responsibility.

## Gender management system

One-third of the EMBs have either appointed a gender focal person (GFP) or a committee responsible for gender issues in the organisation. It is important to take this a step further, by ensuring that gender is reflected in the job descriptions and performance agreements of senior staff, as well as in the specific terms of the GFP. It is crucial that EMBs have gender expertise, gender awareness and capacity-building programmes, as well as budget allocations for mainstreaming gender through their work. This must include the collection and analysis of sex-disaggregated data on voter registration, voter turn-out, candidates (especially where there are TSMs) and staffing data.

## Staff recruitment and retention

Measures to ensure women's participation in senior management include gender-aware recruitment panels; job adverts that encourage women to apply; (internally) talent spotting and fast-track programmes; executive management coaching; and mentorship.

## Creating a family-friendly work environment

During elections, EMBs have long working hours. The work may also be dangerous, depending on the context. Work hours and family-friendly practices like child-care facilities are important, as in other workplaces that are serious about retaining women. EMBs also recruit large numbers

### **Box 5.2 Family-friendly measures recommended in South Africa**

To eliminate these barriers, the above-mentioned study by the Electoral Commission of South Africa recommended that cultural and organisational impediments to women's advancement to senior positions be examined. This can be done by having a more inclusive and consultative organisational and management approach. The electoral commission should create a family-friendly work environment, with flexi-hours for single mothers and all women. It should promote internal mentorship, headhunting and retention of women. Furthermore, the patriarchal nature of the workplace should be dismantled through gender mainstreaming. Workplace workshops that sensitise employees on personal power and harassment should also be put in place.

The findings of this study provided a baseline for the IEC to set up a sustainable gender framework, as well as put in place adequate monitoring and evaluation instruments to assess the effectiveness and efficiency of this framework. Having this mechanism in place would push for more women into senior positions.

*HSRC (2016)*

of short-term staff for the elections themselves. Often these are teachers (a profession in which women often predominate, especially at the primary level). It is important that short-term contracts also be gender-aware. The IEC study in South Africa highlights the importance of tackling all these issues head on.

### Changing attitudes

*The Commonwealth Election Management: A Compendium of Commonwealth Good Practice* (Commonwealth Secretariat 2016b) comments:

*The approach to gender equity adopted by election management bodies around the Commonwealth differs considerably. Given their adherence to international human rights instruments, and their membership of the Commonwealth, all are committed in principle to improving the status of women. However, the forces resisting such reforms, whether they be cultural or linked to those seeking to consolidate current power structures, also remain strong ... Appeals to the sanctity of 'culture', however, which are often employed by those resisting reform, can be self-serving. Culture is not static and remains subject to change and adaptation. All societies, including the most traditional, have within them a deep commitment to fairness, the importance of consultation and the need for community solidarity. Such commitments can provide, from within the culture concerned, powerful resources which may be interrogated and mobilised in support of fundamental reforms.*

*Changing attitudes, and addressing people's real concerns about the impact of social change, is a long-term challenge. Such change is more likely to be achieved in the context of substantive institutional and legal reform, backed up by programmes of practical action.*

## 5.3 Pre-elections

### Electoral systems and legislative reforms

Although it is the job of the legislature and the executive to initiate legislation, EMBs can support changes in legislation – for instance, if appropriate, for the introduction of TSMs in parliament. This might also involve leadership and support in legislating for electoral procedures that do not discriminate against women; ensuring that all agencies involved in elections – including, for example, police investigating electoral malpractice – are trained to respect the rights of women; and providing sufficient resources to EMBs to enable them to implement gender-related programmes. EMBs can also use their experience from elections to provide evidence for electoral and legislative reform. The

### **Case study 5.2 The Electoral Commission of Namibia and gender mainstreaming**



The formulation of a gender policy at the Electoral Commission of Namibia (ECN) has enjoyed priority and special effort for the following reasons.

First, the equal rights of men and women to fully participate in all aspects of political, economic and social life and non-discrimination are fundamental human rights principles. As such, it is the EMB's responsibility and obligation to comply with human rights principles, including international declarations and protocols ratified by the Republic.

Second, women make up more than 50 per cent of the Namibian population and the country will not be considered democratic if women are excluded from full and equal participation in political, economic, social, electoral and decision-making processes.

Third, women often have different experiences, different needs and different perspectives than men. It is therefore essential and practical to involve women and draw on their experiences to ensure a more representative society.

Fourth, it makes economic sense, because the EMB believes that gender equality leads to more prosperous societies. The EMB's budget is financed with public funds and therefore the EMB has the responsibility to all the citizens of the country to manage and spend the public funds in an equitable manner.

The ECN has led by example in terms of women's representation. The Electoral Act prescribes that at least two out of five commissioners must be women. At present, women's representation at the commission level stands at 60 per cent compared to 40 per cent male representation and, for the first time in the history of the EMB, the chairperson of the commission is female. This is a classic example where the legislation has a clear positive impact on women's representation, as demonstrated in the appointment of commissioners of the EMB. Women's representation at the management level and permanent staff levels is 40 per cent and 63 per cent, respectively.

The ECN has put in place a process of identifying voter registration points to ensure unimpeded access to voter registration centres. The ECN also has a process in place whereby mobile teams and fixed points are assembled in order to reach to all groups of people.

The ECN has a process in place to identify places where the provisional registers are displayed and safeguarded during the objection period. One of the criteria of identifying the places for displaying the registers is its accessibility to all voters. By law, the EMB advertises a list of the identified places where the voters' registers are displayed in the local newspaper. The ECN also displays the list of these places at prominent public places in order to ensure that the public is made aware of the identified places.

Where queuing is required, the ECN ensures that priority is given to women with special needs, such as expectant and breastfeeding women, and men and women who are elderly/aged and with disabilities, regardless of their age or gender.

The necessary assistance for people with disabilities to participate in the voters' registration is rendered, and access to information is provided in close co-ordination with organisations that provide support for people with disabilities.

The ECN has introduced a biometric system to capture voter registration data, which has the capacity to disaggregate sex and age data. In the future, the system will be used to compile the needs of voters and candidates through the voter registration process and analysed from a gender perspective. Such information will guide the ECN in the development of the relevant voter and civic education and the appropriate means of disseminating the voter education information. The process of conducting the voters' registration exercise involves and is undertaken by both women and men.

The ECN has established a Democracy Building Division within the EMB which is solely dedicated to voter and civic education and dissemination of information to the public.

The ECN provides village-to-village voter and civic education and information. In order to ensure equal access to voter education and information by diverse groups of women and men, the outreach is expanded to urban and peri-urban areas by targeting people living in remote and hard-to-reach areas.

The voter and civic education and information disseminated by the EMB is gender-sensitive, highlighting the important roles of both women and men in electoral processes, as both voters and people to be voted for. Equally important, the voter and civic education programmes are gender-sensitive in terms of the use of inclusive language, messages, images and approaches.

*Excerpts from the paper by ECN Chair, Advocate Notemba Tjipueja, at the validation meeting for the handbook, Commonwealth Secretariat, 7 July 2017*

interview with the chair of the Namibian EMB for this handbook reflects the kind of stance that an EMB can take in relation to TSMs.

### Voter registration

In practice, women are more likely to be registered under systems which provide for the automatic registration of all eligible citizens. Where individuals are required to register in person, the process should be well publicised, employing channels of communication most likely to reach women voters; registration stations should be easily accessible; and the procedures should be made quick and simple. Attention should be given to registering displaced persons. To accommodate the dual roles of women at home and in the workplace, the EMB can invest in mobile registration units (this has been done in Uganda and South Africa). Where there is potential discrimination against naturalised citizens – for example the foreign husbands of women in the country where the election is to take place – the EMB must be prepared to uphold their rights.

### Voter education

Well-designed, gender-sensitive voter information and civic education programmes should be deployed, with the specific goal of increasing women's participation. UN Women's manual for EMBs notes:

*When creating voter outreach material, attention should be paid to avoiding subliminal messaging. For instance, a poster showing only male voters may give the message that only men vote. Outreach materials should show women of all ages participating in every task and every role – as registration and polling staff, as observers and security forces, as registration applicants and as voters. With respect to gender equality, there are two very important messages to be communicated: first, that women*

### **Box 5.3 Namibian EMB comes out in support of TSMs**

'At this juncture as an EMB we fully support the "zebra system" adopted by the ruling party, and can only support the introduction of this system by other parties. If necessary, the legislators may consider introducing a legal provision to this effect in the electoral law to ensure that all political parties competing in the National Assembly elections will be required to include women on their party lists in accordance with the "zebra system".'

*Advocate Notemba Tjipueja, Chair ECN*

*have the right to vote and stand for election and that their participation often needs to be encouraged; and second, that the ballot is secret – no one else needs to know how an individual's vote has been cast (UNDP and UN Women 2015, p.95).*

### **Nomination of candidates**

The arrangements for nomination and the level at which deposits are set should be designed to facilitate the participation of women candidates. The rules must be applied impartially. EMBs can also encourage political parties to ensure that women are allowed to play a full role at all levels in the administration and policy structures of the party, and are enabled to offer themselves for nomination as candidates – with a realistic hope of being selected.

In a handbook presented at an international conference on gender mainstreaming in electoral administration (Hassan 2014), a former EMB chairperson highlights the role an EMB can play in ensuring that parties comply with the law on submission of party lists for special seats reserved for women in parliament and in local government.

### **Location of polling stations**

Women are more likely than men to be disadvantaged if polling stations are inconveniently located, if polling hours are too short, or if too few polling stations are opened and voters are required to wait in long lines. Where necessary, the EMB should consider providing separate polling stations, so that women can vote in an environment free from pressure or intimidation. In such cases, this can significantly increase the likelihood of participation.

### **Design and printing of ballots**

In countries with high rates of illiteracy, EMBs should design ballots to include party emblems or photographs of candidates. Ballots and voter education material should be provided in all commonly used languages.

## 5.4 Elections

### Campaigning

Ensuring a level playing field requires equal treatment of women candidates. The EMB should ensure that campaign spending limits do not, in practice, work against women, in societies with economic inequalities. Media regulations should ensure that women candidates get equal access to, and equal treatment from, the mass media.

Electoral codes of conduct that criminalise demeaning and derogatory language that is sexual in nature against women candidates and facilitate the active participation of women candidates in the campaigning period. Such instruments have the potential to shift political party culture and social norms, which will go a long way in levelling the playing field for women in elections.

### Election day

#### Voting

Available evidence demonstrates that, in many of the countries, more and more women are coming out to participate in elections as voters – and are sometimes in the majority. Quite a number of COG reports have noted this positive trend. For example, it is noted that Seychelles has a high level of participation by women in active politics. However, there are no numbers attached to this observation, which would otherwise indicate the proportion of females as voters.

The variations between countries may be a function of how peaceful the election promises to be and the level and/or messaging of civic education and general political development. In particular, election violence has a negative impact on voters, and discourages women especially from active participation as voters. While the ballot of each voter is secret, who comes out to vote is not. It is important for EMBs to work out ways of researching the demographics of voters (sex, age, region) without compromising the secrecy of their vote.

The participation of women as voters should go beyond mere support and towards their having a substantive influence on the election agendas of their parties and respective countries. Care must be taken to ensure the secrecy of the ballot and to prevent family voting, so that women can cast confidential, independent ballots. ‘Family voting’ is when heads of family (usually men) influence other family members in how to cast their vote.

#### Intimidation

Intimidation of women candidates can be a serious problem, especially in post-conflict societies. It is important, therefore, to take measures to

protect women under such threat and to provide adequate security at polling stations. This should be part of an EMB's efforts to ensure a peaceful campaign environment.

The challenge of achieving gender equity can be especially difficult in post-conflict societies, where democratic procedures are new, the political stakes high and the commitment to democracy among former combatants weak. It is particularly important in such circumstances to ensure that women are well represented in the EMB and gender policies are advanced.

### Counting ballots

The approach to counting votes may also disadvantage illiterate or poorly educated voters, especially women, by overly strict rules for determining the validity of ballots – for example requiring that a ballot with a check mark rather than a cross next to the chosen candidate be disqualified. The EMB can provide clear guidelines to party agents and polling officials on this process, which can often be a very tense exercise.

## 5.5 Post-election

### Election results announcement

As noted in several Commonwealth election observation reports, waiting for the results of an election can be a period of high risk of electoral tension and violence. It is the moment when parties and candidates, or their supporters, are most likely to behave in a provocative, irresponsible or irrational manner. Any lack of transparency, or any unforeseen delays in announcing results, may well fuel tensions and could spark disorder.

The security agencies, following the lead of the EMB, should remain on heightened alert for election violence generally, and gender violence specifically. Working with the security agencies, and other stakeholders, the EMB should monitor indicators of any impending violence relating to the announcement of election results. Vulnerable individuals and groups, such as women and minorities, must be protected. Security sector interventions should not, however, be used to suppress political liberties and/or the free expression of opinion.

It is helpful, when assessing risks to the electoral process, to explore possible post-election scenarios, identifying potential triggers or flash points. Peace forums should remain active throughout the period of the announcement of election results and women should be actively involved in such forums.



## Election review and analysis

Once the election is over and a new administration is in place, time should be allotted for a careful evaluation of all aspects of the electoral process – especially those aspects that may have had a bearing on any instances of political intimidation or GBV. Lessons should be learnt and, where appropriate, legal and administrative reforms put in place. It is also important for the EMB to undertake an assessment of staff performance and identify needs for professional training and capacity-building, including in relation to gender sensitisation.

Particular attention should be paid to improving collaboration with security sector agencies and other state and non-state actors whose actions impact on the inclusivity of elections. As part of this process, the performance of such agencies during the election, and their capacity-building needs, should be carefully reviewed.

## 5.6 Electoral violence<sup>1</sup>

In a questionnaire on Women's Political Participation at the 2016 CEN Biennial Conference, most EMB representatives (56 per cent) strongly disagreed with the notion that political violence was a barrier to women's political participation.<sup>2</sup> Evidence from the COG reports suggests otherwise. Several COG reports note that women have been discouraged from participating in the electoral process because of the levels of violence perpetuated against them. Research undertaken by the International Foundation for Electoral Systems (IFES) indicates that political violence against women affects their effective and sustained participation in the electoral process as voters, candidates and party supporters, and as electoral officials (Bardall 2015). While women and men alike are victims and perpetrators of violence, evidence from IFES' research suggest that women are four times more likely to be victims of violence in comparison to their male counterparts (Ibid).

The COG reports currently do not make a distinction between political and electoral violence; however, evidence suggests that these events are distinct occurrences that need to be recorded as so. Varying forms of violence against women during the electoral cycle are reported in the COG reports, but with the only clear incident of political violence recorded being that of Nigeria in the 2015 elections. During the 2015 general election in Nigeria, women (and men alike) in the north-eastern states of Nigeria faced increased security concerns because of the terror threat posed by Boko Haram. Other incidents recorded in the COG reports demonstrate examples of electoral violence.

### Box 5.4 VAWIE Framework

In an effort to better understand and address the ways in which electoral violence creates a barrier to women's participation, IFES has developed the Violence Against Women in Elections (VAWIE) Framework to specifically identify and address the unique issues related to gender-based election violence. US Agency for International Development (USAID) provided IFES with a grant to conduct primary and desk research for the VAWIE Framework, as well as to pilot the implementation of tools designed to address issues related to gender-based election violence. This typology expands the traditional categories of electoral violence monitoring and research efforts to encompass the nuances presented by women's experiences.

Key findings of the research include:

1. there is a lack of knowledge and data about VAWIE;
2. there is a gender bias in current data collection, research and programming efforts related to electoral violence;
3. women experience different types of violence and in different spaces compared to men;
4. there is often an existing relationship (e.g. familial, social, hierarchical) between the perpetrator and survivor when women experience violence in elections; and
5. there is a lack of programming to address VAWIE specifically.

The assessment can stand alone or be integrated with any electoral or gender assessment.

*Huber and Kammerud (2016)*

After the 2007 Kenyan general election, the country experienced its worst incidences of post-election violence, which left more than 1,300 civilians dead and saw 300,000 people flee their homes (*The Guardian* 2014). Research from Amnesty International suggests that post-election violence in Kenya included 40,000 incidences of sexual and gender-based violence, confirming the findings of Commonwealth observers of increased 'levels of violence perpetuated against women'.

In both Ghana COG reports examined for this handbook, observers documented incidents where female candidates were subjected to slander and character assassinations. In the case of Swaziland, the levels of intimidation experienced by female candidates was noted to have been encouraged by traditional leaders, because a female candidate 'wore trousers' and in one case because the female candidate in question was a 'widow'. During the 2012 Sierra Leonean election, three senior female politicians received death threats and observers also found women faced increased levels of intimidation at polling stations.

These varied examples from the COG reports show that political and electoral violence targeting women in Commonwealth Africa is a pertinent

issue that needs to be addressed by all the main stakeholders in the electoral process, including the legislature, political parties, EMBs and civil society organisations. The COG reports have noted in that in some cases – for example Kenya in 2007 – national laws designed to protect candidates from such levels of violence were not enforced. EMBs have a crucial role to play in ensuring that elections are not marred by violence, which invariably has a gendered impact.

## 5.7 Checklists



### Gender commitments of electoral management boards

- ✓ Is the EMB committed to gender mainstreaming?<sup>3</sup> Where and how is this reflected?
- ✓ Does the election act or law that establishes the independent electoral body or structure provide for equal representation of women and men at all positions and at all levels within the organisation?
- ✓ Does the EMB have a balance of women and men commissioners? If not, what measures have been taken to address this consistent with the appointment procedures in the country?
- ✓ Does the EMB have a balance of women and men officials at all levels? If not, what measures have been taken to address this?

### Women candidates

- ✓ How are EMBs supporting women candidates? For example, by reducing and/or waiving nomination fees?
- ✓ Has the EMB engaged in gender-targeted interventions?
- ✓ Does the EMB collect sex-disaggregated data in all parts of the electoral process?
- ✓ Is this information routinely analysed and used to take corrective action?
- ✓ Does the EMB ensure gender awareness training for the administration of an election?

### Voter rights, registration and education

#### Voter rights

- ✓ Are women able to express political opinions without interference otherwise than as reasonably permitted by law?
- ✓ Do all citizens, women and men, have the right to receive and impart information and to make an informed electoral choice?

- ✓ Is the right to freedom of association, assembly and movement for women and men equally respected, other than as reasonably permitted by law?
- ✓ Is the right of every citizen to be eligible as a voter, subject only to disqualification in accordance with criteria established by law, respected for all women and men?

#### Voter registration

- ✓ Do voter registration procedures affirm the right of women citizens to an effective, impartial and non-discriminatory procedure for registration of voters?
- ✓ Is information on voter registration accessible and non-discriminatory to women and men?
- ✓ Do the times for registration take account of the multiple roles of women and are they flexible enough to allow either early or late times for registration?
- ✓ Does the registration take place in safe and easily accessible venues?
- ✓ Do the procedures cater for all levels of literacy and illiteracy, including functional illiteracy?
- ✓ Are there clear criteria for the registration of voters, such as age, identification and citizenship, and are these fair to men and women?

#### Voter education

- ✓ How gender-aware are voter education materials?
- ✓ Are there voter education programmes specifically targeted at women?
- ✓ Do women access and participate in voter education programmes?
- ✓ Does the electorate become familiar with gender equality as being central to electoral issues and procedures through national programmes of civic and voter education?
- ✓ Do voter education programmes explain complex electoral processes in a manner which will be understood by illiterate voters (most whom are women in some societies)?
- ✓ Are voter education workshops accessible to women?

#### The campaign

##### Campaign finance

- ✓ How does the existence of campaign finance regulations or lack thereof impact on the participation of women?

### Campaign rules and conduct

- ✓ Is the right to move freely within the country in order to campaign for election equally observed for women and men?
- ✓ Is the right of women party members, candidates and voters to campaign on an equal basis with their male counterparts respected?
- ✓ Are campaign rules clear and gender aware? Do they include protection from violence, including GBV, in all forms?
- ✓ Do security arrangements take account of the particular challenges that women face, including GBV? Is this effectively prevented/ addressed during the elections?
- ✓ Are women visible in campaign events, as candidates, voters, spokespersons and commentators?

### Polling day

#### Rights of voters

- ✓ Is there provision of information about the polling process, venues, times etc. in languages and formats accessible to all women and men, especially in remote rural areas?
- ✓ Is the right to vote in secret strictly observed for women and men?
- ✓ Are voting stations equally and easily accessible to women and men?
- ✓ Are all voting stations safe, including from gender violence of any kind?

#### Special provisions

- ✓ Have special provisions been made for women and men with physical disabilities, pregnant women, the elderly and those with children?
- ✓ Is there provision for 'special votes' for those who may not be able to make it to the polling station on election day?
- ✓ Does the EMB keep sex-disaggregated data on special votes? Is this analysed as part of understanding the gendered nature of elections?

#### Polling day experience

- ✓ Were women equally represented as polling officials?
- ✓ Were there any incidents of women being pressured to vote in a certain manner?
- ✓ How accessible were officials running elections and how responsive were they to problems or complaints?

### Election violence

- ✓ Were there incidents of election-related violence?
- ✓ Were women disproportionately targeted?
- ✓ Did women perpetrate any of the violence?
- ✓ How was the violence resolved, and what effect did this have on the election results?
- ✓ To the extent that there was post-election violence, how did this affect women's political participation?

### Notes

- 1 COGs need to differentiate: political violence (Nigeria Boko Haram) and electoral violence (others).
- 2 Twenty-six respondents from across the five Commonwealth regions answered this questionnaire. It was not limited to Commonwealth Africa.
- 3 'Gender mainstreaming' is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels (UN ECOSOC 1997).

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