

Annex

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Draft Commonwealth Gender and Elections Checklist¹

This checklist has been designed as a tool to strengthen the gender recommendations of Commonwealth election observer missions within the context of the Commonwealth Secretariat's focus to strengthen the participation of women in the political and decision-making process.

This checklist will be useful to the following:

- Gender experts on Commonwealth election observations
- Commonwealth staff members on pre-election assessments and election observation
- Other stakeholders

Pre-elections

Barriers to women's political participation

- ✓ What are the key barriers to women's political participation? For example traditional and cultural barriers, lack of education, lack of adequate financing and violence (especially GBV).

Normative frameworks

International, regional, subregional frameworks

- ✓ What international, regional and subregional instruments and protocols on women's political participation has the country ratified?
- ✓ What provisions do these make for women's representation and effective participation in the political process?
- ✓ Have these instruments and protocols been domesticated?

Constitution, national laws and policies on gender

- ✓ Does the national constitution explicitly promote gender equality?
- ✓ Is there a conflict or potential conflict between customary and/or religious laws and the constitution?
- ✓ Does the constitution provide for affirmative action for women in political decision-making?
- ✓ Does the constitution allow for independent candidates?

- ✓ Does the constitution provide for an independent body/bodies to promote gender equality? What role do these play in the conduct of elections?
- ✓ Has the country adopted a national gender policy? How effective has this been in mainstreaming gender?

Electoral systems, laws and TSMs

- ✓ Does the electoral law/code provide men and women with equal rights to participate in the electoral process?
- ✓ Does the electoral system in the country help enhance women's representation in political decision-making?²²
- ✓ Are there special measures to enhance women's political participation? For example constitutional or legislated TSMs; safe constituencies; reducing and/or waiving nomination fees; voluntary party list TSMs; mandated party list TSMs and double-member constituencies; and TSMs for executive appointees (where these exist)?

Political parties

Commitment, codes and party statutes

- ✓ Is there a commitment to gender equality on the part of political parties? How and where is this reflected?
- ✓ Has gender been mainstreamed in the constitution, manifesto, policies and structures of each political party?
- ✓ To what extent do the procedures for the selection of candidates for decision-making within the party enhance or hinder gender balance and sensitivity?
- ✓ Do the political parties offer gender awareness training for all cadres?
- ✓ Do the political parties offer capacity-building, mentorship and other initiatives to enhance the political empowerment of women?
- ✓ Do political parties have codes of conduct on – or that include – firm measures to address sexual harassment/gender violence in all party, political and election conduct? To what extent have these been effectively implemented?

Women in political parties

- ✓ Does the election act oblige political parties to take measures to enhance gender equality?
- ✓ Have the parties themselves instituted special measures to enhance gender parity in all their structures, at all levels? For example, does the party have TSMs for women's participation within the party?

- ✓ How many of the executive positions are held by women?
- ✓ To the extent that women are missing from decision-making in the party, what is being done to redress this imbalance?
- ✓ Do the parties have women's wings? How effective are these in promoting gender equality within the parties?
- ✓ How has the women's wing supported women in the electoral process? For example by providing mentoring, sponsorship and training for women in politics?
- ✓ How free are women in the party to take a stand on women's rights, especially where these may be contrary to party positions?

Electoral management bodies

Gender commitments of EMBs

- ✓ Is the EMB committed to gender mainstreaming?³ 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?

Civil society

- ✓ Are WROs among the civil society stakeholders consulted in the electoral process?
- ✓ Do CSOs promote gender-inclusive elections?

- ✓ Do CSOs support capacity-building of women candidates, regardless of political affiliation?
- ✓ Do CSOs support the gender mainstreaming efforts of EMBs?
- ✓ Do CSOs form part of election monitoring processes?
- ✓ Do CSOs conduct a specific gender audit of the elections?

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 that will be understood by illiterate voters (most whom are women in some societies)?
- ✓ Are voter education workshops accessible to women?

Elections

Candidates

Selection of candidates

- ✓ Are women involved in the processes to select candidates for the party (for specific seats in the case of FPTP, and position on the lists in the case of the PR system)?
- ✓ Is the right of women citizens to present themselves as candidates for election respected?

Women candidates

- ✓ How many women and men ran for office for each party?
- ✓ How does this compare with the last election? How is the variance explained?
- ✓ If this is a FPTP system, what percentage of women were fielded in safe seats for the parties? In a list system, where are women candidates situated on the lists?
- ✓ What proportion of the women candidates are new and how does this compare with the proportion of new male candidates?
- ✓ How many women are running as independent candidates? Is this more or fewer than before? Why?
- ✓ Are there any women candidates for the post of prime minister or president? Are they treated equally (by the media, public opinion, the EMB etc.)?

The campaign

Campaign content

- ✓ Do commitments by parties and candidates to address gender issues feature in the campaigns and manifestos?
- ✓ Do these debates challenge or reinforce gender stereotypes?

- ✓ Are women candidates able to campaign on issues that are of particular concern to women, for example domestic violence?
- ✓ Do women candidates speak out on gender and other social justice issues as part of the campaign?
- ✓ Do men candidates speak out on gender and other social justice issues as part of 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 gender-based violence (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?

The media

Mainstream media

- ✓ Does the media afford equal voice to women and men voters, candidates and officials?
- ✓ Does the reporting include the views and voices of those most affected, including women, and especially the most marginalised groups in society?
- ✓ Does the reporting provide and analyse sex-disaggregated data on candidates and voters?
- ✓ Are women and men described in ways that either promote or challenge gender stereotypes?

New media

- ✓ Is new media used equally by women and men candidates to convey their message?
- ✓ Do other parties in the election (the EMB, civil society, the media, election observer missions) use new media to highlight gender dimensions of the elections?

- ✓ Do women and men voters participate equally and actively in new media discussions relating to the elections?
- ✓ Are there instances of sexism or misogyny perpetuated through new media? What is the effect of this?

Election observer missions

- ✓ What percentage of the election observer missions are led by women?
- ✓ Is gender a consideration in the criteria of all the election observer missions?
- ✓ Based on the assessment, what recommendations can be made for enhancing women's political participation? These may include:
 - ✓ Introduction of special measures (legislative and policies)
 - ✓ Electoral reform
 - ✓ Legislative reform
 - ✓ Political party reform
 - ✓ Gender-sensitive civil and voter education
 - ✓ EMBs
 - ✓ The media (including new media)

Post-elections

Election outcome

- ✓ How many and what percentage of women were elected: a) in the lower house, b) in the upper house (if this exists) and c) in total?
- ✓ If the elections included local government, how many and what percentage of women councillors were elected?
- ✓ How do these figures compare to the last election? Has there been an increase or decrease in the percentage of women? If so, why?
- ✓ Are there differences in the proportion of women's representation in the different tiers of governance? If so, why?
- ✓ How do the figures break down by political party? Has there been an increase or decrease for each political party? If so, why?
- ✓ What proportion of women were re-elected, i.e. what is the retention rate? How does the retention rate compare to that of men?
- ✓ Do the parties accept the election outcome? If not, are any of the seats won by women contested in court or through other means? What is the outcome of this?

Notes

- 1 Based on the original Commonwealth Women's Political Participation Checklist; work by Gender Links in conducting gender audits of various Southern African national and local elections; 'Gender Checklist for Free and Fair Elections Southern Africa', prepared for the Southern African Development Community-Election Support Network by the Tanzania Gender Networking Programme in 2002; and the IPS-Inter Press Service Gender and Elections Checklist, available at: www.ipsnews.net/africa.
- 2 Research shows that there is a much higher representation of women in PR electoral systems than in FPTP systems. Mixed electoral systems are also more favourable for women than the FPTP system.
- 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).