



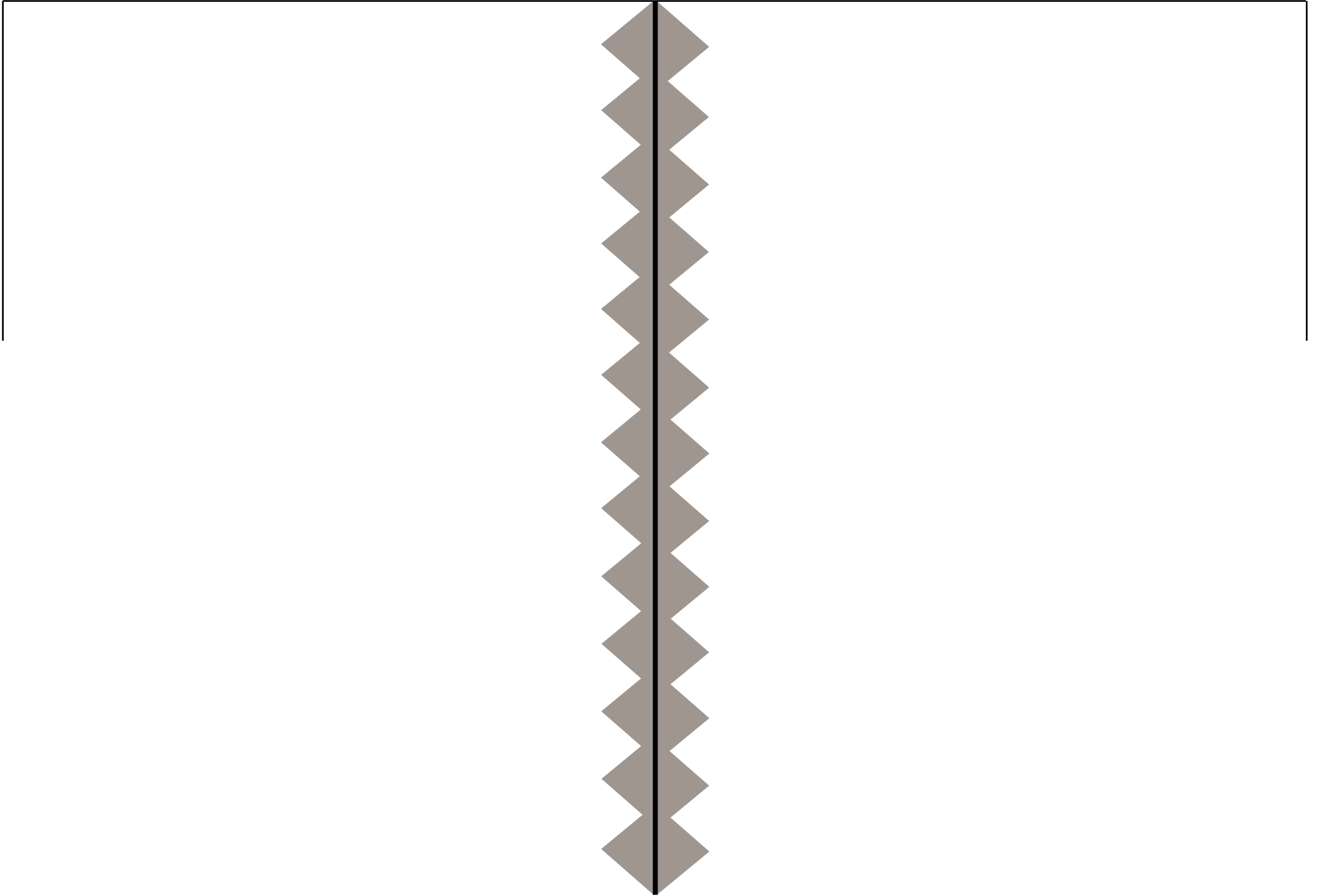
GENDER CHECKLIST FOR FREE AND FAIR ELECTIONS

Compiled by Glenda Fick

Reprinted May 2000

Produced with financial assistance from NORAD

Electoral Institute of Southern Africa
ISBN-1-919814-14-0



- the provision and regulation of funding to political parties and electoral campaigns in order to ensure the promotion of equality of opportunity between women and men candidates;
- political parties, and women and men candidates must be guaranteed equal access to government-controlled media for purposes of campaigning;
- the media must recognise gender equality as an important aspect of democracy and accordingly report on it in relation to an election; and
- the media must report on all women candidates as often as it reports on men candidates.

Secrecy of the ballot:

- the unrestricted right of women citizens to vote in secret;
- the right to human dignity and respect for the integrity of their electoral choices must be assured to women; and
- secrecy of the ballot must be explained to men and women during voter education workshops.

Review of electoral procedures or decisions:

- when the right of women citizens to vote or to be registered, or any other political right, is negatively affected by an action or omission of the state, its organs or officials, there must be access to a procedure which permits the review of such actions promptly and effectively before an independent tribunal or court.



GENDER CHECKLIST FOR FREE AND FAIR ELECTIONS *

In terms of international standards, a state must make provision for the following to ensure a free and fair election:

- the right of the individual to vote on a non-discriminatory basis in regular elections of legislative bodies;
- the right of the individual to an effective, impartial and non-discriminatory procedure for registration of voters;
- the right of every eligible citizen to be registered as a voter, subject only to disqualification in accordance with criteria established by law that are objectively verifiable and not subject to arbitrary decision;
- the right of the individual to the prompt and effective review or correction of procedures when either of these rights is negatively affected by an action or omission of the state or its officials;
- the right of the individual to have equal and easy access to a polling station in order to exercise her right to vote;
- the right of the individual to exercise her right equally with others and to have her vote accorded equal weight to that of others;
- the unrestricted right of the individual to vote in secret, and the right to respect for the integrity of her choice;
- the right of the candidate to present herself as a candidate for election;
- the right of the individual to join, or together with others to establish a political party for purposes of competing in an election;
- the right to express political opinions without interference

- the right of women to join, or together with others to establish, a political party for purposes of competing in an election; and

- the right of women party members and candidates to move freely within the country in order to campaign for election.

The right to campaign:

- the right of women to conditions for competition in elections on an equitable basis taking substantive equality into account;

- the right of women party members, candidates and voters to campaign on an equal basis with their male counterparts;

- the right of women party members to campaign around issues that are of particular concern to women, for example, domestic violence;

- the right of women party members, candidates and voters to security with respect to their lives and property during campaigns (and throughout the electoral process);

- the content of campaign messages must be directed at men and women so that stereotypes are not entrenched;

- campaign messages must be formulated so that they express a commitment to substantive equality with regard to gender issues;

- the right of women party members and candidates to have access to the media in order to put forward political views on an equal basis with their male counterparts;

gender equality as a central feature of democratic citizenship;

- voter education programmes must develop an understanding of substantive equality with regard to gender;
- voter education programmes must be aimed specifically at women;
- voter education programmes must explain complex electoral processes in a manner which will be understood by illiterate voters (the majority of whom are women in South Africa);
- voter education workshops must take place at times suitable to accommodate the domestic and economic roles performed by women;
- voter education workshops must take place in venues accessible to women (these venues must be chosen to accommodate children who may have to accompany their mothers to workshops); and
- voter education workshops must take place in an environment in which women feel confident that they can express themselves without fear of disruption and ridicule.

The right to express political opinions:

- the right of women citizens to express political opinions without interference otherwise than as reasonably permitted by law.

The right to access to information:

- the right of women citizens to seek, receive and impart information and to make an informed electoral choice.

The rights to freedom of association, assembly and movement:

otherwise than as reasonably permitted by law;

- the right to seek, receive and impart information and to make an informed choice;
- the right to move freely within the country in order to campaign for election;
- the right to campaign on an equal basis with other political parties, including the party representing the existing government;
- the right to have access to the media, in order to put forward political views;
- the right of candidates and voters to security with respect to their lives and property; and
- the right to protection of the law and to a remedy for violation of political rights, including those pertinent to participating in an election as a voter or candidate.

The state is also obliged to do the following to guarantee a free and fair election:

- to provide for the holding of legislative elections at regular intervals;
- to establish a neutral, impartial mechanism for the management of legislative elections;
- to establish an effective, impartial and non-discriminatory procedure for the registration of voters;
- to stipulate clear criteria for the registration of voters, inter alia, age and citizenship;

- to make regulations governing the formation, registration and functioning of political parties;

- to establish the conditions for competition in elections on an equitable basis;

- to provide for and regulate the funding of political parties and electoral campaigns in order to ensure the promotion of equality of opportunity;

- to ensure parties and candidates equal access to government-controlled media; and

- to ensure that voters have a free choice by maintaining the viability of political parties by public funding or free time in the media;

- to ensure through national programmes of civic education that the electorate becomes familiar with electoral issues and procedures.

The authorities responsible for managing an election must fulfil the following obligations:

- ensure that those responsible for the administration of an election are trained and act impartially;

- ensure that coherent voting procedures are established and made known to the voting public;

- ensure the registration of voters, updating of the voters' roll and voting procedures;

- encourage the acceptance and adoption of an Electoral Code of Conduct and encourage the development of further Codes of Conduct;

- the right to polling stations that are accessible so that women citizens can exercise their right to vote; and

- the right of women citizens to vote without fear of any form violence or intimidation.

The right to stand for public office:

- the right of women citizens to present themselves as candidates for election;

- an express commitment to gender equality on the part of political parties;

- the inclusion of women in the structures that formulate party lists and choose election candidates;

- the inclusion of women in decision-making which relates to the composition of party lists and choice of election candidates;

- an electoral system which facilitates the electoral success of women on party lists or as candidates; and

- a mechanism inherent in the electoral system which facilitates the electoral success of women, for example, internal party committee quotas, voluntary party list quotas, mandated party list quotas and double-member constituencies (where appropriate).

Voter education:

- the state must ensure that through national programmes of civic and voter education, the electorate becomes familiar with gender equality as central to electoral issues and procedures;

- civic and voter education programmes must entrench

adversely. For example, a particular voting district must not be established so that it comprises areas in which women are particularly susceptible to violence or harm. In rural areas voting districts must be established so that access to the voting station does not constitute any (further) impediment to rural women's right to vote.

Registration of voters:

- the right of women citizens to an effective, impartial and non-discriminatory procedure for registration of voters;
- the stipulation of clear criteria for the registration of voters: inter alia, age, identification and citizenship. Citizenship as a criterion must guarantee the right to vote in the same way to men and women; and
- the right to registration stations that are easily accessible.

The right to vote:

- the right of women citizens to vote on a non-discriminatory basis in regular elections of legislative bodies;
- the right to vote for a political party which has a record of addressing issues which affect women;
- the right to vote for a political party which has women in leadership positions;
- the right of every citizen to be eligible as a voter, subject only to disqualification in accordance with criteria established
- by law that are objectively verifiable and not subject to arbitrary decision based on sex or gender;

- ensure the integrity of the voting process through appropriate measures to prevent electoral fraud or other electoral offences;
- ensure the integrity of the entire electoral process and the counting of votes;
- announce the election results and facilitate any transfer of authority;
- ensure that complaints and challenges in electoral matters be determined by an independent and impartial authority, such as the electoral commission or the courts;
- ensure that decisions are reached promptly, within the time-frame of the election, and that procedures are open and known to the electorate and political parties;
- political rights should only be subject to limitations which are reasonable and justifiable in a democratic society; and
- limitations on candidature, the creation and activities of political parties and campaign rights should not be applied so as to violate the principle of non-discrimination on grounds of race, colour, sex, language, religion, political opinion, social origin, property, birth or other status.

* *This list relies on the conditions listed by Goodwin-Gill as necessary for a free and fair election according to international standards. See Guy S Goodwin-Gill Free and Fair Elections: International Law and Practice Inter-Parliamentary Union, Geneva (1994) p 83-90.*

CHECKLIST FOR ENSURING GENDER EQUALITY IN FREE AND FAIR ELECTIONS

The following conditions must be met to enhance free and fair elections taking gender equality into account :

Political rights

- political rights should only be subject to limitations which are reasonable and justifiable in a democratic society;
- limitations on candidature, the creation and activities of political parties and campaign rights should not be applied so as to violate the principle of non-discrimination on inter alia, grounds sex, gender, race, colour language, religion, political opinion, social origin, property, birth or other status.

Citizenship:

- a definition and understanding of citizenship containing a commitment to substantive equality with regard to gender.

Conducting elections:

- the structure which manages elections must be committed to this conception of gender equality;
- in accordance with this commitment, the structure which manages elections must employ women at all levels of its operation;
- all policy formulated and legislation promulgated which is relevant to conducting elections must give effect to substantive equality with regard to gender;
- all policy and legislation must be implemented to give effect to substantive equality; and
- the criteria for demarcation of voting districts or constituencies (where applicable) must not affect women