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POLITICAL PARTICIPATION OF WOMEN IN ETHIOPIA: LAW AND REALITY

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By: Chala Ture

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Political Participation of Women in Ethiopia: Law and Reality

A thesis submitted in partial fulfillment of the requirements for the award of master of laws (LL.M) in constitutional and public laws at school of law, college of law and governance studies, Addis Ababa University.

By

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Advisor

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June 2022

Declaration

I, Chala Ture, hereby declare that the thesis entitled *"Political Participation of Women in Ethiopia: Law and Reality"* is my original work and that it has not been submitted for any degree or examination in any other university. I also pledge that all sources in any form are duly acknowledged.

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Acronyms

ACHPR	African Charter on Human and People's Right
CEDAW	Convention on Elimination of All Forms Discrimination against Women
ECSJ	Ethiopian Citizen for Social Justice
FDRE	Federal Democratic Republic of Ethiopia
HoF	House of Federation
HPR	House of People's Representative
HRC	Human Rights Committee
IDEA	Institute for Democracy and Electoral Assistance
ICCPR	International Covenant on Civil and Political Rights
IPU	Inter-parliamentary Union
MoWSA	Ministry of Women and Social Affairs
NEBE	National Electoral Board of Ethiopia
OFC	Oromo Federalist Congress
OLM	Oromo Liberation Movement
Para	Paragraph
PR	Proportional Representation
PP	Prosperity Party
UDHR	Universal Declaration of Human Rights
UN	United Nations
WW	World War

Abstract

In the past, women were not allowed to participate in their country's politics. Women's equal participation and representation in politics is a fundamental human right recognized under international human rights instruments and domestic legislation. These laws prohibited unreasonable restrictions on the enjoyment of the right to political participation. As a result, in addition to the numerous benefits, it provides to women, political parties, and society in general, equal participation of women in the politics of the country is justifiable from a human rights standpoint. Although women constitute half the population of the country and the existing laws that provide for their equal participation in politics and affirmative actions, women's participation in formal politics remained low. Therefore, the objective of this study is to examine the legal regime-governing women's political participation in Ethiopia against the reality on the ground. To this end, the research has employed a combination of doctrinal and non-doctrinal legal research methodology. Further, the study has used both qualitative and quantitative data. Accordingly, the finding of the study shows that despite laws on equal participation and affirmative measure aimed at compensating women for past injustice and discrimination, the participation of women remained underrepresented in political institutions covered under this study. The theoretical and empirical experiences of other countries within the ambit of the paper show that the adoption of electoral systems that promote women's representation and the introduction of legislated quotas as part of the implementation of constitutionally mandated affirmative measures are the best mechanism to ensure the women's representation in leadership and decision-making. Therefore, it is recommendable for Ethiopia to ensure the full implementation of the existing laws on equal participation and adopt electoral systems that promotes women's representation and legislated quotas as part of the implementation of constitutionally mandated affirmative measures.

Key words; Political Participation, Women, Affirmative actions, Electoral System

CHAPTER ONE

GENERAL INTRODUCTION

1.1. Background of the Study

A nation needs the participation of all members of society in all the activities of life, without any exclusion or discrimination whatsoever. No genuine and sustainable progress would be achieved without the full participation of all sections of society. Any discrimination or exclusion that may affect the participation of any members of the society based on the unjustified ground will negatively affect the community by preventing it from utilizing its potential to the maximum. Therefore, every member of society needs to be provided with equal opportunity to participate freely in every aspect of public life without discrimination.

Political participation is one of the areas of public life in which all members of society should be provided with equality of opportunity to participate in. One aspect of political participation is participation in the legislative body at all levels, national level, representing the state at the international level, state level, and local government level. Globally, the representation of women in parliament is weak.[1] According to the reports of inter-parliamentary unions, as of January 1, 2020, the representation of women in parliament constitutes 24.9% globally and 24.4% when it comes to sub-Saharan African countries.[2] To address such gaps, countries use different mechanisms, mainly temporary special measures, which include gender quotas to achieve substantive equality. The Federal Democratic Republic of Ethiopia Constitution (hereinafter the FDRE Constitution) has also provided women with affirmative measures to

[1] Pankaj Kumar, 'Participation of Women in Politics: World Experience' (2017) 12 IOSR International Journal of Humanities and Social Science 77, 77.

[2] Inter-Parliamentary Union, 'Women in Politics: 2020' www.ipu.org/resources/publications/infographics/2020-03/women-in-politics-2020> accessed 14 September 2020.

rectify the "*historical legacy of inequality and discrimination women suffered in Ethiopia.*"[3] The objective of these special measures is to ensure genuine equality between men and women.

Despite the apparent underrepresentation of women in politics, countries around the world are signatory states of many international treaties that call for equal participation of all members of society without any discrimination whatsoever, including discrimination based on sex. These international human rights instruments among others include: The Universal Declaration of Human Rights (hereinafter called the UDHR)[4]; Convention on the Political Rights of Women[5]; Convention on the Elimination of All Forms of Discrimination against Women (hereinafter called the CEDAW)[6]; and International Covenant on Civil and Political Rights (hereinafter called the ICCPR)[7]. Ethiopia is a signatory member state to all these international human rights instruments.

In addition to those mentioned above and other international human rights treaties, countries have domestic laws on women's political participation, including their constitution and other subsidiary domestic legislation. In Ethiopia, too, there are laws that recognize for the participation of women in social, cultural, economic and political, and public life. They offer equal opportunities for men and women, even to the extent of providing temporary special measures such as quotas for women. First of such laws is the Constitution of the Federal Democratic Republic of Ethiopia, which acknowledges women from having equal rights with

[3] Constitution of the Federal Democratic Republic of Ethiopia, 1995, Proc. No. 1, Federal Negarit Gazeta, 1st year No.1 (hereinafter called the FDRE Constitution) Article 35(3).

[4] Universal Declaration of Human Rights Adopted by General Assembly Resolution 217 A (III) Of December 1948, (hereinafter called UDHR) Article 2 And 21.

[5] Convention on The Political Rights of Women Adopted and Opened for Ratification by General Assembly Resolution 640 (VII), 20 December 1952, Enter into Force 7 July 1954 Article 1-3 (hereinafter called Convention on The Political Rights of Women).

[6] Convention on The Elimination of All Forms Discrimination Against Women Adopted, And Opened for Signature, Ratification and Accession by General Assembly Resolution 34/180, 18 December 1979, Enter into Force 3 September 1981, hereinafter called CEDAW) Article 2,3, 4(1), 7 And 8.

[7] International Covenant on Civil and Political Rights Adopted and Opened for Signature, Ratification and Accession by General Assembly Resolution 2200A (XXI), 16 December 1966, Entered into Force 23 March 1976 (hereinafter called ICCPR) Article 3 and 25.

men regarding rights incorporated under the constitution[8] to providing women with affirmative measures to rectify the *"historical legacy of inequality and discrimination suffered"* by Ethiopia women.[9] In addition to the constitution, subsidiary legislation protects women's political participation. Ethiopia Electoral, Political Parties Registration and Elections Code of Code Conduct Proclamation, for example, made the number of female candidates, female members, and females in leadership positions in a party an element in determining the government's financial support for political parties.[10] The proclamation enacted to define the power and duties of the executive organs of the Federal Democratic Republic of Ethiopia,[11] this proclamation has created ministry of women and social affairs, with broad power regarding the rights of women, including political and leadership participation.[12] Further, it requires each ministry created by this proclamation to ensure women's benefit in every policies, laws, development program and projects they formulate.[13]

The full participation of women in politics is for the benefit of all and the nation at large. Because a nation that allows and facilitates the involvement of all members of its society in leadership and politics will have a competitive environment in leadership and hence achieve high-quality leadership. On the contrary, the underrepresentation of women in politics will significantly affect the qualities of governance and leadership, as it prevents the country from exhaustive use of its human resource. Therefore, guaranteeing fair representation of women in politics should not be considered as if it only benefits women; rather, it should be seen in a broader context that transforms the countries quality in leadership. Therefore, in this study, the researcher scrutinizes women's political participation in Ethiopia. In doing so, the researcher has examined Ethiopia's law on political participation of women, including the FDRE Constitution and subsidiary legislation, and international human rights instruments signed by

[8] FDRE Constitution, Article 35(1).

[9] Ibid, Article 35(3)

[10] Ethiopia Electoral, Political Parties Registration and Elections Code of Code Conduct Proclamation, 2019, Proc. No. 1162/2019, Federal Negarit Gazeta, 25th Year No. 97, Article 100 (2(C)) & (D).

[11] Definition of Power and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia, 2022, Proc. No.1263/2021, Federal Negarit Gazeta, 28th Year No.4 (hereinafter called proclamation on Definition of power and duties of the executive organs proclamation).

[12] Ibid, Cum Reading of Article 16(17) and 36

[13] Ibid, Article 19(11)

Ethiopia against the realities on the ground about women's political participation.

1.2. Statement of the Problem

Political participation and public affairs are human rights recognized by the FDRE Constitution, international human rights instruments, and other subsidiary legislation.[14] Political participation and taking part in leadership roles will allow women to enjoy other human rights and fundamental freedoms fully.

Providing women with the right to political participation in law without proper implementation amounts to nothing. Many international human rights instruments, to which Ethiopia is a party and domestic legislation, including the FDRE Constitution and subsidiary legislation, recognize equal participation of men and women in politics and leadership roles. Some of this legislation even provides women with special measures to encourage women's political participation.

Despite accounting for more than half of the world's population, women continue to face barriers to political leadership and resources at all levels of government.[15] In Ethiopia, too, despite women constituting half of the country's people[16] and the existence of laws on equal participation of men and women in politics, women's representation in politics and leadership is still very low. Globally as well, given their population size, women's political participation is negligible.[17] As with all legal rights, there can be a significant difference between the de jure

[14] FDRE Constitution, Article 38(1)a)), See also ICCPR, Article 25(a)

[15] I know Politics International knowledge Network of women in politics, 'Gender Quotas in African countries' https://www.iknowpolitics.org/sites/default/files/cr20gender20quotas20in20african20countries20en.pdf accessed December 2020.

[16] Federal Democratic Republic Of Ethiopia Population Census Commission, 'Summery And Statistical Report of The 2007 Population And Housing Census: Population By Age And Sex' (Addis Ababa December 2008), https://www.ethiopianreview.com/pdf/001/Cen2007_firstdraft(1).pdf&sa=U&ved=2ahUKEwj3yP241aHsAhWRyYUKHVbLCIAQFjACegQIARAB&usg=AOvVaw2r7qU2BRpmBXlRyRbEqWUD accessed 10 September 2020.

[17] Musharaf Rubab, et al, 'Conundrum of Women Political Participation in Pakistan: Impediments and Opportunities' (2020), Vol 4 No2 Pakistan Social Science Review, 135, 135.

right enshrined in law and the practical implementation.[18] Marginalizing women's political participation and leadership roles will significantly affect leadership quality and women's fundamental rights in Ethiopia. It undermines the basic principle of equality and jeopardizes women's enjoyment of their human rights.

Moreover, it will affect the development of the country, as it precludes it from comprehensively using its human resources in this regard. Hence, equality of participation in politics and leadership needs to be ensured on the ground as provided in the law's text. Therefore, this study has examined Ethiopian laws on women's political participation and women's participation in the reality of Ethiopia's politics.

1.3. The objective of the Study

1.3.1. General Objective of the Study

The general aim of the study is to examine legal regimes governing the political participation of women in Ethiopia and the reality of women's political participation in Ethiopia.

1.3.2. Specific Objectives of the Study

To achieve the general objectives, the research has the following specific objectives:

1. To analyze Ethiopia's laws on women's political participation and their role in advancing women's representation;
2. To assess whether women in Ethiopia are fairly represented in politics and leadership;
3. To show whether the reality is in line with Ethiopia's law on political participation of women in Ethiopia;
4. To show the inherent weaknesses in laws governing political participation in promoting women's participation and make suggestions for laws and strategies that improve women's representation in Ethiopia.

1.4. Research Questions

This study tries to answer the following questions

[18] Womankind, 'Women's Political Participation Doesn't Begin and End at The Ballot Box' < https://www.womankind.org.uk/womens-political-participation-doesnt-begin-and-end-at-the-ballot-box/> accessed 30 January 2021.

1. What are laws on women's political participation in Ethiopia, and are they comprehensive enough to facilitate women's political participation in Ethiopia's political arena?
2. Are women fairly represented in politics and leadership in Ethiopia in proportion to their number?
3. Does the reality of women's political participation conform to the law on paper in Ethiopia?
4. What is the inbuilt weakness of laws on women's political participation in Ethiopia? What can Ethiopia learn from other countries' experiences?

1.5. Significance of the Study

The study has the following significances. The study shows the gap between law and reality on women's political participation in Ethiopia, which in turn help the concerned body to address the gap between law and reality on women's political participation in Ethiopia. Further, the study's findings could help to shape future legal reforms to promote women's political participation by showing laws and globally proven strategies for improving women's representation.

1.6. Scope of the Study

The study examines the legal framework and their practical implementations (reality) on women's political participation in Ethiopia. Furthermore, the scope of the study is limited to the federal government institutions, specifically the legislative and executive departments at the federal level and the Participation of Women in Political Parties and Elections (Electoral Activities).

1.7. Research Methodology

1.7.1. Research Approach

The study uses a combination of doctrinal legal research and non-doctrinal research methodology to achieve the research objectives and answer the research questions. A doctrinal research methodology is employed to discuss laws on women's political participation. In contrast, the non-doctrinal research methodology is employed to assess the reality of women's political participation in Ethiopia. This study employs both qualitative and quantitative research methods. The study's legal analysis is based primarily on qualitative data; while the analysis of the reality of women's political participation is based mainly on quantitative data. As a result, the research employed both quantitative and qualitative research methods.

For this study, quantitative data sources are employed to gather numerical data, primarily from official documents, reports, and data obtained through interviews and other documents. As a result, numerical data from various government organs and other key informants who are selected purposefully will serve as a quantitative data source for this study. International human rights instruments, domestic legislations, qualitative data collected through interviews with key informants are the primary source of qualitative data.

1.7.2. Data Sources and Methods of Collection

1.7.2.1. Primary Data Sources

1.7.2.1.1. Interview and Sampling

The researcher conducted semi-structured in-depth interviews with nine (9) key informants selected purposely for this study. Among them, one respondent Ministry of Women and Social Affairs; one from each of the two Federal Houses; one from the National Electoral Board of Ethiopia; five respondents from five Political Parties registered by the National Electoral Board of Ethiopia.

Depending on the nature of the study and the required data for this study, the researcher used a non-probability sampling technique. Key informants are government officials from different institutions (One from the House of Peoples' Representatives; one from House of Federation; one from the National Electoral Board of Ethiopia) and leaders of political parties registered by an electoral board (five from five different political parties legally registered by NEBE).

Among different non-probability sampling techniques, purposive and convenience sampling techniques are appropriate. While purposive sampling is employed to select informants from various government institutions, convenience sampling is employed to identify respondents from political parties. Critical data can only be acquired from limited institutions, which require locating them through non-probability selection. Therefore, this study employs non-probability sampling techniques for respondents from government organs and political parties.

1.7.2.1.2. Primary Document Sources

This study's main primary document sources are legislation, both international human rights instruments, and domestic legislation. Accordingly, the Constitution, international human rights

treaties, national legislation, and official documents are the primary data sources used for this study.

1.7.2.2. Secondary Data Sources

In addition to the above-mentioned primary data sources, secondary sources are employed. Accordingly, this study used Books, Journal Articles, other relevant literature, and online sources as main secondary data sources.

1.8. Organization of the Paper

The study is organized into five chapters. The first chapter of the study covers introductory points and background information. It contains the background of the study, statement of the problem, research questions, and objective of the study, the significance of the study, the scope of the study, research methodology, and organization of the paper. Chapter 2 deals with political participation in general, women's political participation, and why it matters? The third chapter discusses Ethiopian legal and institutional framework on women's political participation. Then chapter four examines women's political participation in Ethiopia (the reality about women's political participation in Ethiopia) and discusses the impact of Electoral laws and gender Quotas on Women's representation. Finally, chapter five provides a Conclusion and Implications based on the discussion and analysis of the previous chapters.

CHAPTER TWO

Conceptual framework of Political Participation

2.1. Political Participation in General

To begin with, its definition, the concept, political participation, has no single universally accepted definition. Institutions, human rights instruments, and scholars describe the concept differently. Some of the definitions are too narrow and limit political participation only to the acts or voting rights of the citizen. While others are so extensive and vague, it makes it challenging to differentiate what may fall under the scope of political participation.

The narrow concept of political participation refers to the participation of citizens solely on voting in partisan or nonpartisan elections.[19] This definition is too narrow to limit the right to political participation only to citizens' right to vote. It leaves vast activities of political participation in nature out of this definition.

On the other hand, some definitions of the concept are too broad to make every involvement in public life political participation. In contrast, others are still vague that it is difficult to identify what may fall under political participation. In its broadest sense, political participation may be considered the right of citizens to seek to influence public affairs in general, which can be expressed by participating in the election, voting, and standing as a candidate or any other action such as forming joining political parties and demonstration.[20]

The Committee on the Elimination of All Forms of Discrimination against Women defined public and political life as enshrined under Article 7 of the CEDAW, to be a broad concept, which extends to all aspects of public and political life, which is not limited only to those listed under sub-Article (a), (b) and (c) of Article 7 of the CEDAW.[21] In particular, it refers to the

[19] Jerome M Culp, 'Edited Comments on Political Participation' (1995) 1995 Annual Survey of American Law 399,399.

[20] Godwin Ihemeje, 'Patriotism, Political Participation and Women's Right: A Critical Analysis of Nigeria's Fourth Republic' (2016) 9 J Pol and Law 15, 16.

[21] UN Committee for the Elimination of all Forms of Discrimination against Women, 'CEDAW General Recommendation No. 23: Political and Public life' (1997) UN Document A/52/38, (hereinafter called CEDAW General Recommendation No. 23) paragraph 5.

exercise of Legislative, Executive, Judicial, and Administrative powers, many facets of civil society activities, of organs such as political parties, and any other organ concerned with public life.[22]

In the same fashion, the human rights committee under comment No. 25 interpreted participation in "Public Affairs" referred to Article 25 of the ICCPR as a broad concept related to the exercise of Legislative, Executive, and Administrative powers.[23] It includes all aspects of public administration and policy formulation at the national and international levels.[24] Citizens can exercise this right directly by being a member of the legislative body, holding executive positions, participating in elections or referendums, or participating in the popular assembly.[25] Alternatively, they may participate in public affairs via a freely chosen representative, i.e., indirectly.[26]

2.2. Women Political Participation: Historical Development

Women's right to political participation is a recent phenomenon. Men have historically controlled public life while also using their authority to limit and subordinate women within private lives. [27] The development of women's participation and representation in formal politics ranks among the most significant trends in international politics over the last 100 years.[28] Finally, some states recognized women's right to vote and then elected and represent in their parliament. Accordingly, New Zealand became the first nation to allow women the right to vote in 1893 and

[22] Ibid

[23] HRC, General comment No. 25, the Right to Participate in Public Affairs, Voting and the Right of Equal Access to Public Service, (UN Doc. ccpr/c/21/Rev.1/Add.7 1996), (Hereinafter called ICCPR General Comment No. 25) paragraph 5.

[24] Ibid

[25] Ibid, paragraph 6

[26] Ibid paragraph 7

[27] CEDAW General Recommendation No. 23, paragraph 8.

[28] Pamela Paxton, Melanie M. Hughes, and Mathew A painter II, 'Growth in Women's Political Representation: a Longitudinal Exploration of Democracy, Electoral System and Gender Quotas' (2010) 49 European Journal of Political Research, 25, 25.

then followed by countries such as; Australia that recognized women's right to vote and stand for election in 1902.[29]

Apart from recognizing women's right to vote, female representatives appeared at the national parliaments some years later. Accordingly, the first elected woman as representative appeared in the parliaments of Finland for the first time in 1907.[30] In 1946 women members of parliament reached 10 percent in the then Soviet Union legislature; in 1967, women members of parliament reached 30 percent of the national parliament of the German Democratic Republic and recently (2008) surpassed 50 percent at the parliament of the African country Rwanda.[31] Therefore, these developments show that women's political participation has progressed over the last century.

In the last quarter of a century, the percentage of women members of the parliament showed significant progress. In the national parliament globally, the share of women has risen from 11.3 percent in 1995 to almost double 22.1 in 2015.[32] Even though the pace of the development slowed down, by 2020, women's share in the national parliament has risen to 25 percent of the total members of the parliament globally.[33] The available data shows that in 1995 in 109 out of 174 countries, women held less than ten percent of seats in the single or lower house of the parliaments as compared to in 2020, in which only 24 out of 191 countries hold less than ten percent seats in their lower or single house.[34] As of May 27, 2021, as per UN Women, there are only a few women heads of state, which is only in 22 countries, and 119 countries have never had a woman leader in their country.[35] Based on the current trend, the organization (UN Women) stated that at the current rate, gender parity in the highest position of the government will not be

[29] Christina Binder, 'International Election Observation by the OSCE and the Political Participation of Women' (2007) 18 Helsinki Monitor 224, 224, and see, painter (n 28) 16.

[30] Painter II, (n 28) 25

[31] Ibid

[32] Inter-parliamentary union, 'women in parliament 1995-2020- 25 years in review' https://www.ipu.org/resources/publications/reports/2020-03/women-in-parliament-1995-2020-25-years-in-review accessed 27 May 2021.

[33] Ibid

[34] Ibid

[35] UN women, 'Facts and Figures: Woman's Leadership and Political Participation' https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures accessed 27 May 2021.

achieved for another 130 years.[36] Globally Only 21 percent of ministers are women. In only 14 countries, women have achieved fifty percent or more cabinets, and with an annual increase of just 0.52 percent, gender equality in ministerial positions will not be completed before 2077.

There is significant divergence in countries around the world concerning women's political participation currently. There are countries with less than five percent women, or somewhere around critical mass, or even those with fifty percent plus women in political and decision-making areas. In a legislative department, currently, there are only three countries with more than fifty percent women in parliament, i.e., Rwanda, Cuba, and the United Arab Emirates with 61.3%, 53.4, and 50 respectively.[37] Other countries such as New Zealand, Mexico, Nicaragua, Sweden, Grenada, Andorra, and Bolivia hold the top ten places, having more than 45 percent of women in their lower house.[38] These countries share some common features, which may be factors for women's empowerment in their parliament. Most of them apply combinations quotas, legislated quotas for a single or lower house or both lower and upper house, or legislated quotas at the sub-national level and/or voluntary quotas adopted by political parties.[39]

Rwanda is one of a few countries to have surpassed 50 percent of women in their parliament. This milestone cannot be reached without great effort. To achieve women's parity and even exceed 50 percent hallmark, there has to be a will and commitment from all stakeholders. This political will and commitment will be expressed through identifying and changing those

[36] Ibid

[37] According to the data published by International IDEA, currently Rwanda Cuba and UAE are the only country in the world to have more than 50 percent women in the parliament with 61.3%, 53.2% and 50% percent of women members of parliament respectively. For further information https://www.idea.int/data-tools/data/gender-quotas/country-overview 17 July 2021.

[38] IPU Parline, 'Global Data on National Parliament: Monthly Ranking of women in National Parliament (as of 1st June 2021) https://data.ipu.org/women-ranking?month=6&year=2021 accessed 29 August 2021.

[39] Rwanda uses legislated quota for both lower and upper houses and legislated quota at sub-national level while United Arab Emirates apply legislate quota for single house. In New Zealand, there is voluntary quota by political parties, in Mexico, Nicaragua and Bolivia they all apply legislated quota for both lower and upper house, legislated quota at the Sub-national level and voluntary quota by political parties and in Sweden, there are legislated quota at the Sub-national level and voluntary quota by the political parties. International IDEA Institute for Democracy and Electoral, 'Gender Quota Database' <https://www.idea.int/data-tools/data/gender-quotas/country-overview> Accessed 15 July 2021.

challenges standing in the way of women's political involvement. Therefore, it needs serious reform. One of the most effective reforms to achieve effective women's political participation is legal reform. Legal reform includes amendment and repeal of existing ineffective and discriminatory laws and the enactments of effective laws.

Rwanda gives due attention to women's empowerment in politics and decision-making. This can be seen simply from the Constitution of Rwanda. The constitution provides for gender quotas both at the legislative and executive departments of the government. Accordingly, the constitution requires "*at least 30 percent of elected and appointed senators must be women.*[40] In addition, to a 30 percent reserved quota in the senate, the Constitution of Rwanda requires 30 percent of positions in the decision-making organs of the government to be held by women.[41] One interesting thing about quota in the constitution of Rwanda is that it adopted a "Reserved Seat,[42]" which determines the percentage of reserved seats for women rather than the candidate list. Therefore, per these provisions, women in Rwanda hold at least 30 percent of the seats in legislative and executive departments will be guaranteed. The same constitution requires political organizations to reflect "*Equality and complementarity of men and women in the recruitment of its members, in establishing their leadership organs and their functioning and activities."*[43] Furthermore, the constitution established a proportional representation[44] electoral system, according to research on the practical application of quotas; quotas are easier to implement in countries with a proportional representation (PR) electoral system than in countries with a majoritarian electoral system.[45] In addition to its simplicity in applying Quota, the proportional representation type of electoral system is considered better suited to women's political participation. There will be a detailed discussion on the role of the electoral system on women's

[40] The Constitution of Rwanda, as Amended in 2015, Article 80 (5)

[41] Ibid Article 10 (4)

[42] According to International IDEA, women quota requires that a certain number of a body, whether it is a candidate list, a parliamentary assembly, a committee or government, be women. Specifically, reserved seats type of quota regulate the number of women elected. It provides the percentage women would take in institution or organ of government.

[43] Ibid, Article 56

[44] Ibid, Article 75(1)

[45] Mikael Fridell, 'Consolidated Response on Gender Quota in African Countries' https://aceproject.org/electoral-advice/archive/questions/replies/165671188 accessed August 7, 2021.

political participation under chapter four. Therefore, it is easier to conclude that legal reform in Rwanda is already showing progress by keeping other contributing factors as they may be.

Ethiopian women's formal political participation, especially the right to vote and be elected, is no exception. Ethiopia first recognized women's right to vote and stand for election (right to be elected) in 1955.[46] In Ethiopia, the first women representative appeared in parliament in 1957.[47]

2.3. Political Participation as a Human Right

Participation in politics and public affairs is one of the citizens' rights due to being a national of a given country. First, human rights in general, considered as an especial sort of moral entitlement that they attach to all persons equally, by virtue of their humanity irrespective of race, nationality, or membership of any particular group, only for the mere reason of being human.[48] The right to political participation, which is a fundamental human right, particularly as it pertains to citizens of a country.[49]

Human rights conventions signed after WWII primarily guarantee the right to political participation by requiring signatories to hold fair elections at regular intervals.[50] The evolving interpretation of these conventions, informed by electoral monitoring practice, suggests that the right to political participation is now established as a matter of treaty law.[51]

Political participation has been referred to as a vital human right in countries with vastly different political systems, and it has been enshrined in a wide range of international instruments, including declarations, resolutions, regional and universal treaties.[52] It has been enshrined under

[46] Inter-parliamentary Union IPU Praline, 'global data on national parliament: women right to vote' https://data.ipu.org/compare?field=country%3Afield_suffrage%3Afield_right_to_vote#map accessed 26 May 2021.

[47] Inter-parliamentary union, 'global data on women national parliament: first women in national parliament' https://data.ipu.org/compare?field=country%3Afield_first_woman_in_parliamen%3Afield_year#map accessed 26 May 2021.

[48] Demelash Shiferaw and Yonas Tesfa, Human rights Law: Teaching Material (Prepared Under the Sponsorship of the Justice and Legal system Research Institute, 2009) 1.

[49] Beza Dessalegn, 'The Right of Minorities to Political Participation under the Ethiopian Electoral System' (2013) 7 Mizan L rev 67, 68.

[50] Gregory H Fox, 'The Right to Political Participation in International law' (1992) 17 Yale J IntL L 539, 522.

[51] Ibid, 522.

[52] Henry J Steiner, 'Political Participation as a Human right' (1988) 1 Harv Hum Rts YB 77.

Articles 21 and 25 of UDHR and ICCPR, respectively. Participation in politics is, at its core, a manifestation and appeal for human rights.[53] Therefore, political participation has been proven a fundamental human right that citizens can claim.

2.4. Aspects of the Right to Political Participation

As is discussed in the preceding section, public and political life is a broad concept. Citizens can exercise this right differently. The right to political participation, as termed as "conduct of public affairs,"[54] "political and public affairs,"[55] and "right to take part in the government of his country,"[56] is a broad concept that covers almost all of the activities of public life. This right generally can be exercised in two ways, that it can be exercised directly or through freely chosen representatives.[57]

The right of citizens to take part in public affairs or political participation, be it directly or through freely chosen representatives, is a recognized right in international human rights instruments and domestic legislation.[58] The following paragraph discusses aspects of the right to political participation.

> "*No right is more precious in a free country than that of having a voice in the election of those who make the law under which, as good citizens, we must live."*[59]

The right to vote and be elected is one of the most common ways of exercising political rights in one's country as enshrined under international human rights instruments and domestic legislation.[60] An election is the most fundamental behavior in modern democratic and law-based

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[53] Youn Chen, 'the Human Rights Genealogy of Political Participation' (2014) Hum Rts 22, 24.

[54] FDRE Constitution Article 38 (1(a)) and ICCPR Article 25(a)

[55] CEDAW Article 7

[56] UDHR Article 21(1)

[57] FDRE Constitution, Article 38(1)(a)), UDHR Article 21(1) and also ICCPR Article 25(a)

[58] FDRE Constitution, Article 38(1)(a)), UDHR21(1) ad ICCPR 25 (b)

[59] Wesberry V. Sanders, 376 U.S 1, 17 (1964). As Cited in, Bobby Scott Congressman, 'Voting Rights' https://bobbyscott.house.gov/issues/voting-rights accessed 23 march 2021.

[60] FDRE Constitution Article 38(1)c)), UDHR Article 21(3), Convention on The Political Rights of Women Adopted and Opened for Ratification by General Assembly Resolution 640 (VII), 20 December 1952, Enter into Force 7 July 1954 Article 1 and 2, CEDAW Article 7(a), and ICCPR Article 25(b).

countries, and suffrage is the most important political right of citizens.[61] As outlined under Article 21 of the Universal Declaration of Human right that requires the "will of the people to be the basis of the authority of the government," and an election is a means to secure this will of the people. Citizens have the right to vote in elections that determine the makeup of legislative and executive bodies, which defines the substance of policy legislation.[62] The idea that voting rights bestow political power on the population as a whole, as well as an individual, is widely acknowledged.[63]

Legal voting rights do confer legal power on the electorate because the vote gives the electorate the legal capacity to appoint public officials.[64] According to democratic theorists, the right to vote grants power; by exercising the right to vote, the citizen gains a piece of political power, and the members of the electorate exercise power collectively in elections.[65] Hence, it is alleged that to deny a person or group the voting right amounts to denying them political power, and "Whenever the right is abridged, the political power of that person is diminished."[66] This means that a society that denies certain groups of people the right to vote or diminishes their political power in some way is publicly expressing a lack of concern for them, or it is more like treating some of the members of the society as inferior.[67]

Among the main elements or principles of the right to vote is "universal and equal suffrage"[68] is one. To have a strong link between the electorate or voters and the person elected, a free and fair election must be held, which in turn is an expression of universal suffrage with no exclusion or restriction based on sex, social or economic status, or privileges or in any other unreasonable

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[61] Chen, (n 53) 24

[62] Ludvig Beckaman, 'Legal Power and the Right to Vote: does the Right to Vote Confer Power' (2017) 30 can J L and Jurisprudence 5, 5.

[63] Ibid

[64] Ibid, 21

[65] Ibid

[66] Thomas Christiano, 'The constitution of equality' (Oxford University Press, 2008) Pp 90 Available online at https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780198297475.001.0001/acprof-9780198297475-chapter-4#_p90 accessed 26 June 2021.

[67] Ibid

[68] FDRE Constitution, Article 38(1)(c))

ground.[69] Suffrage should be considered the primary right among political rights, based on its importance to a democratic society.[70] Equal and universal suffrage give citizens an equal share of political power, with each person having the same opportunities to exercise power over the state.[71] Equal voting rights are a device for distributing political power among citizens equitably.[72]

In functional democracies, an election is the only means to establish and continue the government. An election is a means by which the will of the people, which is the basis of the authority of the government, is expressed.[73] The purpose of suffrage is twofold: first, to select a representative of the people for the government or a way through which delegation of power is given to an agent to act on behalf of the electorate; and second, to determine the people's will on such questions as are put to them.[74]

While the right to vote is widely recognized and enforced, the same cannot be said for the closely related right to run for office, also known as a candidacy.[75] In a democratic system, not only the right to vote and to have free, fair, and periodic elections are integral, but also candidate selection and the right to run for office are as essential.[76] Candidacy rights are frequently linked to voting rights; however, cases suggest that the right to run for office is a separate essential factor in evaluating candidates' constitutional claims.[77] While the right to run for public office is

[69] Guy S. Goodwin-Gill, Free and Fair Elections (New Expanded Edition, Inter-Parliamentary Union 2006 Geneva) 55.

[70] Chen, (n 53)

[71] Beckaman, (n 62) 5

[72] Anthony Downs, An Economic Theory of Democracy (Harper & ROW, New York, 1957) 139.

[73] Goodwin-Gill, (n 69) 54.

[74] McCrary, George W; McCune, Henry L., Editor. Treatise on the American law of Elections. Chicago, Callaghan & Co. 3.

[75] Alecia Johns, 'The Case for Political Candidacy as a Fundamental Human Right' (2016) 16 Hum Rts L Rev 29, 29.

[76] Loami Wolf, 'Right to Stand as Individual Candidate in National Election: Mijola v. the President' (2014) 30 Afr J on Hum Rts 159, 170.

[77] James S Jardine, 'Ballot Access Rights: The Constitutional Status of the Right to Run for Office' (1974) 1974 Utah L Rev 290, 290.

inextricably linked to voting, it has an independent existence.[78] Separate from the right to vote, the right to run for office is a fundamental right.[79] The right to be elected is recognized under the FDRE constitution Article 38(1) (c)).[80] The most common and widely utilized means in the exercise of the political right is through participation in free, fair, and periodic elections, primary as a voter and as a candidate.

In addition to exercising the right to vote and candidacy, citizens can exercise political rights through the exercise of the legislative, executive (holding executive position), and administrative positions. Participation in policy formulation and implementation is another area through which citizens may exercise their political rights. Forming and joining organizations with a public interest, such as political parties and civil societies, is another way to exercise this right. Representation of the state at the international level, such as serving as a diplomat in another country or international organization, is one way the citizens can exercise their political rights.

2.5. Why Women's Political Participation Matters? Arguments and Justifications for Women's Political Participation

Women account for slightly more than half of the global population.[81] Because of their dual roles in the productive and reproductive spheres, women contribute more than half as much as men to the social and economic development of their societies do.[82] However, women's role and representation under formal politics are weak.

The enhancement of women's political participation can be justified from various angles, and its advantage can also be seen from different perspectives. The enhancement of women's political participation can be argued from the human rights perspective or the benefit perspective. Equally, enhancing women's political participation may have advantages, at least to women,

[78] Ibid 296

[79] Nicole A Gordon, 'the Right to Candidacy' (1977) 25 Kan L Rev 545, 545.

[80] Every Ethiopian National without Any Discrimination based on Color, Race, Nation, Nationality, Sex, Language, Religion, Political or other status has the right to be elected at periodic election to any office at any level of government.

[81] Medhanit Adamu and Sofinat Mekonnen, Gender and the Law (Teaching Material Prepared under the Sponsorship of the Justice and Legal System Research Institute, 2009) 114.

[82] Ibid

political parties, and broader societies. From a women's standpoint, it increases the number of women willing to run for public office, changes the societal and stakeholder's perception of women's capacity, and increases women's confidence in their ability to influence policy agendas in parties and parliament.[83] It enhances a party's image and standing, strengthens its program and policy agenda, strengthens an electoral and campaign strategy, and protects its membership from decline.[84] It also benefits society by ensuring fair representation of the community in elected office, influencing policy agendas, and promoting a better understanding of gender issues in society.[85]

There are different justification and arguments regarding the need to promote women's political participation. Even if scholars and those advocate for promoting women's political participation in many ways and grounds, these justifications can be categorized into two lines of arguments: Intrinsic lines of argument and instrumentalist lines of argument.[86]

The intrinsic lines of argument justify women's equal political representations and participation from a human rights point of view. It argues that women constitute half the world's population, so it is fair and deserved for women to have equal participation and representation in world democracies.[87] Therefore, per this line of argument, political participation is a human right that is equal for every citizen without any forms of discrimination, including based on sex. Women should be provided with equal participation and representation with their percentage of the population.

On the other hand, the instrumentalist lines of argument argue that women owing to their sex and gender role as a mother, have different vision and concepts of politics, that they bring special caring focus and female values to politics.[88] As per this line of justification, the involvement of women in formal politics is of high advantage. Firstly, women tend to bring something unique to

[83] Office for Democratic Institutions and Human Rights, Handbook on Promoting Women's Participation in Political Parties (Published by the OSCE Office for Democratic and Human Rights, ODIHR, Warsaw Poland , 2014) 32.

[84] Ibid

[85] Ibid

[86] Mekonnen, (n 81) 116-117

[87] Ibid 116

[88] Ibid 117

politics from their nature as mothers. On the other hand, the political landscape that involves every member of the society is more likely to have more competitive and able human resources in the areas of politics. Which, in turn, will have a positive effect on the overall performance of the public institutions. Specifically, in terms of women's attitudes, researchers find that women are perceived as different from their male counterparts when lawmaking and proposing new bills on females.[89] Further, it is argued that Female representatives diversify legislative agendas, especially regarding women and vulnerable groups.[90]

2.6. Modalities to Rectify the Under-representation of Women in Politics and Public Life

Countries across the world use different strategies to enhance women's empowerment in the representation and participation of women in politics and public affairs in general. The two mainly used strategies to address women's political participation and representations are "Quota and Enabling Environment."[91] From the global platform for action adopted at the United Nations Fourth World Conference in Beijing, in China in 1995, Affirmative action leaped into the language of political culture as a strategy for promoting gender equality.[92] The policy recommends that all states who are signatories to the convention should reserve a quota of all elective and appointive positions for women as a way for redressing injustices perpetrated against them.[93]

According to the International IDEA Institute for Democracy and Electoral Assistance, more than 125 countries currently use at least one form of women quotas in the world.[94] The main goal of the quota system is to promote women in political posts and to ensure that women are not just

[89] Rubab, (n 17) 137

[90] O'Brien D.Z., Piscopo J.M. (2019) the Impact of Women in Parliament. In: Franceschet S., Krook M., Tan N. (eds) The Palgrave Handbook of Women's Political Rights. Gender and Politics. Palgrave Macmillan, London. https://doi.org/10.1057/978-1-137-59074-9_4. Accessed 15 July 2021.

[91] Mekonnen, (n 81) 117

[92] Ediomo-Ubond Nelson, 'Democracy and the Struggle for Political Empowerment of Women in Nigeria' (2012) 3 Int'l J Advanced Legal Stud & Governance 85, 95.

[93] Ibid.

[94] International IDEA Institute for Democracy and Electoral, 'Gender Quota Database' < https://www.idea.int/data-tools/data/gender-quotas/country-overview> Accessed 15 July 2021.

tokens in political life.[95] According to IDEA, there are three quota types: the first one is reserved seats that can be determined by the constitution and/or other subordinate legislation. Secondly, Legal Candidate Quota, which may determine in constitutional and/or legislative acts, and finally, political parties Quota that is the voluntary action of political parties.[96] While reserved seats regulate the number of women elected, the other two sets establish a minimum for the proportion of women on candidate lists, either as a legal requirement (as in the case of legal candidate quotas) or as a measure written into individual political party statutes (voluntary commitment by party).[97]

Currently, 120 countries worldwide are implementing some form of the quota system at various levels of government; however, even with quotas, the average level of representation for women in countries still has not reached 30 percent.[98] While national quota does affect women's political presence,[99] there are arguments in support of and against the use of gender quota as a strategy to address women's underrepresentation in the areas of decision-making. Some of the arguments against gender quota are; the claim that gender quota is undemocratic because voters should be able to decide on whom to elect, and gender quota implies politicians are elected based on their gender than their qualifications are among the critics against the use of gender quota.[100]

Creating an enabling environment for women to access public institutions is another widely utilized strategy in this regard. When reforms toward greater gender equality and women's empowerment gain legitimacy, they create an enabling environment.[101] The goal of equal participation of women in politics can be achieved when socio-cultural, political, and economic,

[95] International IDEA Institute for Democracy and Electoral, 'Gender Quota Database' https://www.idea.int/data-tools/data/gender-quotas/quotas Accessed 15 July 2021.

[96] Ibid

[97] Ibid

[98] Jomana Qaddour, 'Women's Quota: Making the Case for Codifying Syrian Women's Political Participation' (2020) 26 Wm & Mary J Race Gender & Soc Just 557.

[99] Painter II (n 28) 25

[100] International IDEA Institute for Democracy and Electoral, 'Gender Quota Database' https://www.idea.int/data-tools/data/gender-quotas/quotas Accessed 15 July 2021.

[101] Nuket Kardam, 'Creating an Enabling Environment' (prepared For UN on Division for the Advancement of Women (DAW) Expert Group Meeting, Enhancing Participation of Women Through an Enabling Environment For Achieving Gender Equality and Advancement of Women, Bangkok, Thailand, 8-11 Nov 2005) 5.

structural, and any other barriers are removed.[102] In this regard, the nature of democracy and the level of democratization in society are the first components of an enabling environment.[103] The more participatory and decentralized the governance in the country is, the more it creates the space for the citizens to participate.

Because of its ability to mobilize social transformation, women's empowerment is arguably one of the essential devices for achieving greater gender parity in socio-political structures.[104] For the enabling environment to exist, some preconditions need to exist to have a working enabling environment for women's political participation. Accordingly, participative and decentralized democracy that provides citizens with space to participate in the building of human capacity, which in turn dependent on the availability of resources such as education, health, and employment opportunities, women's consciousness about their rights, and the presence of strong women movement and civil society are among the main conditions to have working enabling environment.[105] The use of "quota" and "enabling environment" as strategies to enhance women's empowerment are not mutually exclusive; instead, they can be seen as complementary strategies. Because quota alone may not be effective in some cases, there may be a need to support it with an enabling environment.

2.7. Factors Affecting Women's Political Participation in Ethiopia

Many factors affect the political participation of women. It cannot be attributed to a single element or factor. Instead, the cumulative effects of different factors affect women's participation and representation in politics and public affairs. These factors affecting women's political and participation in public life differ from society to society and country to country. Different studies conducted at separate times found out ranges factors affecting women's political

[102] Ibid

[103] Mekonnen, (n 81), 121-122

[104] Jinn Winn Chonng, 'the Politics of the Empowerment: Mapping Enabling Environment within Narratives Feminity and Power' (2012) 18 Wm and Marry J Women and L 523, 527.

[105] Mekonnen, (n 81) 122

participation in Ethiopia. Socio-cultural, religious, and economic factors are identified among the major factors contributing to low women's political participation in Ethiopia.[106]

Socio-cultural factor: one of the factors identified is a strong patriarchal value system that favors sexually segregated roles and traditional cultural values in any political society, working against women's advancement, empowerment, and participation.[107] "The term "patriarchy" is often used loosely as a synonym for "sexism" or to refer to any social system where men rule."[108] Therefore, according to this ideology, the role of women is as a working mother. Ethiopia is too affected by patriarchal belief where women are mostly confined to home, taking care of children, and doing kitchen work, and hence fewer women will be in a position to hold political offices.[109]

Economic Factor: another factor found to explain fewer women in the political arena in Ethiopia is women's economically inferior status. Women have historically faced economic disadvantages because of discrimination.[110] One of the most significant barriers preventing more women from participating in politics is a lack of financial resources.[111] Other factors such as religion are also mentioned as possible barriers to women's political participation in Ethiopia.

[106] Awotash Alemu Tefera, 'Women Representation in Parliament: Comparative Analysis: Special Emphasis Given to South Africa and Ethiopia' (LLM Thesis the Central European University Budapest, Hungary, 2010) and See Shimelis Kassa, 'Challenges and Opportunities of Women Political Participation in Ethiopia' (2015) 3 Journal of Global Economics.

[107] Kassa, (n 106) 3

[108] Barbara Katz Rothman, 'Motherhood: Beyond Patriarchy' (1989) 13 Nova LRev 481, 482.

[109] Awotesh Alemu Tefera 91 and see Shimelis Kassa 4.

[110] Ibid Kassa 4.

[111] Ibid 4

CHAPTER THREE

General Overview of the Legal and Institutional Framework on Women's Political Participation in Ethiopia

3. Introduction

Law is one of the essential devices available to achieve the desired objective in a society. The proper law that addresses the society's primary needs according to the stage of development can serve as an instrument for social change. Law gives rights, determines obligations and responsibilities, creates necessary institutions, and most importantly, society can address past injustice and create a better future through law. Society can achieve an all-inclusive development through the proper use of the law.

All institutions, formal, informal, in one or other ways, influence women's political participation. It is impossible to address the issue of women's political participation without the proper backing of institutions. Since it would be impossible to cover all of these institutions, only those most closely related to the concept under discussion are chosen and discussed under this chapter. As a result, the discussion in this chapter concentrates on the legal and institutional frameworks that are most relevant to Ethiopian women's political participation.

3.1. International Instruments

Various human rights treaties have provisions on the right to political participation. Under this section, the discussion will be on the right to political participation under the international human rights instruments. Before going deep into the discussion of international human rights instruments, it is better to look at the place of international human rights instruments in the legal order of Ethiopia under the FDRE Constitution. The FDRE Constitution considers "all international agreements ratified by Ethiopia integral part of the law of the land."[112] Once ratified, international agreements will be part of Ethiopian law. Accordingly, in the following paragraphs, the discussion focuses on international human rights instruments ratified by Ethiopia, which according to the Constitution considered part of the law of the land. The constitution further requires the interpretation of the bill of rights within the constitution to be as

[112] FDRE Constitution, Article 9 (4)

per such international human rights instruments as provided under Article 13 (2) of the constitution.

The UDHR recognized the right to political participation. The first thing to be noted here is that under Article 2, the declaration prohibits discrimination on the enjoyment of rights incorporated in the declaration. It expressly prohibits distinction based on race, colour, sex, language, political or other opinions, national or social origin, property or birth, or another status. Separate reading of Article 2 of the declaration may seem to mean rights provided in the declaration are applicable irrespective of any limitation such as citizenship attachment a person may have with a country. Nevertheless, the cumulative reading of Articles 2 and 21 tells us that political participation rights are connected to citizenship. Article 21 (1) of the UDHR states the "government of his country," which shows that political participation is linked to the nationality or citizenship of a person.

Coming to the specific right to political participation, UDHR guarantees, everyone the right to take part in the government of his/her country and requires the will of the people to be the basis for the authority of the government.[113] These rights are the core of democratic governance. It states in general terms that everyone has the right to participate in his country's government without specifying the type of public body. Nevertheless, taking part in the government requires the active involvement of citizens in all organs of the government at all levels. Hence, the right to take part in the government includes but is not limited to the involvement of citizens in legislative, executive, and administrative bodies in the country on an equal basis. This right gives the people the opportunity to influence the activities of the government.

The UDHR requires the will of the governed to be the basis of the government. In other words, it requires a popular government by calling for the people's will to be the basis of the authority of the government.[114] It further requires this will of the people to be expressed through the periodic and genuine election, held by universal and equal suffrage and secret ballot that ensures free voting procedure to ensure that the will of the governed is the basis for the government's

[113] UDHR, Article 21(1) and (3)

[114] Ibid, Article 21 (3)

authority.[115] Therefore, the declaration requires the government to be established by the will of the people, which is expressed through free, fair, periodic, and genuine elections by universal and equal suffrage held by secret ballot protecting the secrecy of the voters. This, in turn, requires a free exercise of the right to vote and be elected by the citizens including women, without unreasonable restriction, and the duty to facilitate the exercise of these rights rests on the government.

Like UDHR, the ICCPR also guarantees citizens the right to participate in politics and public affairs. Concerning the enjoyment of the right Article, 25 of the convention prohibits distinction mentioned under Article 2 of the convention, which includes distinction based on sex and any other unreasonable restriction on the enjoyment of rights provided under the Article. It means member states can put reasonable restrictions established by the law on the enjoyment of the rights guaranteed under Article 25 of the convention. Accordingly, member states may set higher age requirements for candidacy or hold a specific position compared to the right to vote.[116]

The convention guarantees the rights of citizens to take part in the conduct of public affairs directly or through freely chosen representatives.[117] Thus, this right assured citizens of the ability to influence the authority of the government. The convention guaranteed this right in general terms without showing what may fall under the ambit of the right and the manner of their exercise. Nevertheless, the ICCPR Committee interprets the right as a broad concept that relates to the exercise of legislative, executive, and administrative power and that it covers all aspects of public administration.[118] In addition, it urges the state parties to enact laws on the allocation and exercise of the right to participate in the conduct of public affairs.[119]

Sub-Article (b) of Article 25 listed specific rights to participate in public affairs, the right to vote, and be elected with the method of their implementation. The same provision sets out the exercise mechanism and with necessary conditions in exercising these rights. Accordingly, it requires citizens to exercise their right to vote and be elected at genuine periodic elections by

[115] Ibid, Article 21 (3)

[116] ICCPR General Comment No. 25, para 4

[117] ICCPR, Article 25(a)

[118] ICCPR Committee comment No. 25, para 5

[119] Ibid

universal and equal election held by secret ballot, ensuring the fre**e** expression of voters.[120] These elements and requirements are at the heart of Democratic governance. Because they are the mechanism to ensure, the authority of the government comes from the will of the governed. Genuine periodic election as a requirement of election is a means to ensure the election reflects the will of the voter and ensure that representatives are held accountable for the exercise of legislative and executive power vested in them.[121] Periodic election assures the authority of the government continues to be renewed by the electorate. Finally, the provision seeks to protect voters from expressing their choice without intimidation and fear by free and secrecy of the ballot.

In the same way, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) incorporated provisions on women's political participation. More specifically, Article 7 of the convention governs women's political participation. The contents under the Article can be categorized as a prohibition of discrimination against women in political and public life and participatory rights. Accordingly, Article 7 of the CEDAW urges member states to eliminate all forms of discrimination against women in the enjoyment of their political and public life. The preamble of the convention also supports this claim stating; "discrimination against women violates the principle of equality of rights and respect for human dignity is an obstacle to the participation of women, on equal terms with the men in the political, social, economic and cultural life of their countries and hamper the growth and prosperity and of the society."[122]

The second aspect of Article 7 of the CEDAW is participatory right that urges member states to allow women to participate in equal terms with men to have the right to free, fair and periodic elections based on universal suffrage as discussed above human rights instrument. The right to be elected at all public elected bodies at all levels of the government. The right to participate in the formulation and implementation of policy and participate in non-governmental organizations and associations concerned with public and political life. In its interpretation, the UN Committee for the Elimination of all Forms of Discrimination against Women stated that political, public

[120] ICCPR, Article 25(b)

[121] ICCPR General Comment No. 25 para 9

[122] CEDAW, Preamble Paragraph 7

life is a broad concept, and the state's obligation under the convention is not limited to the list under sub-Article (a-c) of Article 7 of the convention. [123] Generally, the central idea of Article 7 of the convention is women's enjoyment of public and political life, those mentioned under Article 7 and beyond in equal terms with men.

The Convention on Women's Political Rights provides for women's right to vote, be eligible for election to all publicly elected bodies, and hold public offices and exercise all public functions on equal terms with men, without discrimination.[124] The central idea of the convention is an equal exercise of the right to vote, to be elected, and the right to hold and exercise public offices and function by women on equal terms with men without any discrimination.

In conclusion, international human rights instruments guarantee the right to political participation. Unlike many other rights with the universal application expressed by terms like "everyone has," the right to political participation is associated with nationality/citizenship. All international human rights instruments prohibit distinction on the ground of sex in the enjoyment of such rights. They guarantee citizens with rights to take part in the government of their country directly or through freely chosen preventatives. Through this right, the citizen can have the opportunity to have a say in the government of their country. Taking part in the government of one's country includes the exercise of legislative, executive, judicial, and administrative power, which consists of all forms of public administration. Accordingly, citizens have the right to vote and be elected in free, fair, genuine periodic elections held at universal and equal suffrage by secret ballot. Moreover, state parties to such international human rights instruments should facilitate their citizens to exercise such rights within their jurisdiction, including enacting law at a national level to give effect to these rights.

3.2. Regional Human Rights Instruments

At the regional level, both the African Charter on Humans and people's rights and the protocol to the African Charter on Human and Peoples' rights on the rights of women in Africa contains provisions on the right to political participation. Like other international human rights instruments, the African Charter also prohibits any forms of distinction in the enjoyment of

[123] CEDAW General Recommendation No. 23, paragraph 5.

[124] The Convention on the Political Rights of Women, Article 1-3.

rights recognized under the charter, including distinction based on sex.[125] The Charter guarantees every citizen the right to participate in the government of his country, directly or through freely chosen representatives.[126]

The protocol to the African Charter on Human and Peoples' Rights on Women's Rights in Africa contains rather more detailed provisions than the charter. It urges state parties to take positive actions to promote participative governance with equal participation of women assisted through affirmative action, enabling national legislation and any other measure.[127] The measure shall aim to ensure women's participation in all elections and electoral processes without discrimination and equal terms with men and ensure women's equal involvement during the development and implementation of state policy.[128] Further, the protocol under sub-Article 2 urges member states to provide increased and effective representations of women at all levels of decision-making organs.[129]

3.3. Domestic Legal Framework

As discussed under section 2.3, political participation is a fundamental human right. The constitutions of most of the countries do contain provision/s on citizens' right to political participation, and the FDRE Constitution is no exception. The FDRE Constitution includes a comprehensive bill of rights, including civil and political rights, economic, social, cultural, and environmental rights, and the right to development. Chapter three of the constitution (bill of rights, Article 13-44) covers almost one-third of the constitution. The constitution ensures equal enjoyment of rights provided in the constitution between men and women.[130] It further requires

[125] African Charter on Human and Peoples' Rights (Adopted 27 June 1981, entered into force 21 October 1986) Article 2.

[126] Ibid 13(1)

[127] Protocol to the African Charter on Human and Peoples rights on the rights of Women in Africa (Adopted July 2003, entered into force 25 November 2005) Article, 9(1).

[128] Ibid, Article 9(1) (a-c)

[129] Ibid, Article 9(2)

[130] FDRE Constitution, Article 35 (1) and (6

the full consultation of women in formulating national development policies and designing and executing projects.[131]

The FDRE Constitution requires the bill of rights enshrined in the constitution to be interpreted in a manner "conforming to the principles of the Universal Declaration of Human Rights and International Covenants on Human Rights and International instruments adopted by Ethiopia."[132] Therefore, where the need for interpretation arises, such as vagueness or ambiguity on the provision or rights enshrined under chapter three of the constitution, it must be interpreted in line with these international human rights instruments. So does any interpretation of Article 38 of the constitution.

The constitutions recognize the right of every Ethiopian national to take part in the conduct of public affairs directly or through freely chosen representatives without any discrimination, including discrimination based on sex.[133] According to this right, Ethiopian nationals have the right to do anything that helps them take part in public affairs, so long as their action does not contradict the country's laws. This action may aim to influence the government's action and policy outcome.

A closer look at the rights provided under Article 38 of the constitutions gives us substantive rights and the manner of their exercise. Accordingly, Article 38 of the constitution guaranteed the following rights with their method of exercise. First, Article 38 (1) (a) of the constitution recognizes the citizen's right to participate in public affairs either directly or through freely chosen representatives, without having specified on what may fall under the conduct of public affairs. Conduct of public affairs may mean to include any action of the citizen to influence the government so long as it is consistent with the constitution and other laws of the land. It includes participation in legislative, executive, and administrative departments of the government at all levels.

Secondly, the right to vote and to be elected is guaranteed under Article 38(1)(b)) of the constitution. It ensures every Ethiopian national with the right to vote upon attainment of 18

[131] Ibid

[132] Ibid, Article 13(2)

[133] Ibid, Article 38 (1)(a)

years of age. The same provision guarantees the right to be elected or also known as, candidacy subject to fulfillments qualifications set by law such as age requirement.[134] It also acknowledges citizens the right to membership in organizations such as political organizations and civic organizations with the public interest.[135]

The same provision laid down the principle and procedural requirements for the exercise of these rights. Accordingly, the constitution requires the election to be held by universal and equal suffrage to give effect to these rights. Equal and universal suffrage give citizens an equal share of political power, with each person having the same opportunities to exercise power over the state.[136] The principle that in a free or "lawful" (that is, democratic) state, all citizens must be able to contribute to the shaping of laws by electing legislative organs is now widely accepted as a fundamental postulate.[137]

The constitution requires the election to be a free and democratic election.[138] An election is a means through which the government secures its authority from the consent of the electorate. In so doing, it ensures that the will of the governed establishes the government. The election is free and democratic when the whole electoral process allows the people to choose their representative, forming the government. A free election is the outcome of many factors in different stages of the electoral process. That includes independence of the electoral body, freedom of voters, campaign, and fair use of media, counting, and reporting the result.

The constitution also requires that elections be held regularly.[139] By the periodic election, the constitution restricts the power of the government or any other body from holding elections at their wish. The periodic election allows the people to choose their leader in a determined interval, and it provides continued renewal of the government's authority by the people.

[134] Ibid, Article 38 (1) (c)

[135] Ibid, Article 38 (1) & (2)

[136] Beckaman, (n 62) 5

[137] Giorgio Del Vechio, 'Universal suffrage and Political Capacity' (1961) 11 Loy LRev 1.

[138] FDRE Constitution, Article 38 (3)

[139] Ibid, Article 38 (1) (c)

The constitution further requires the election to be held by secret ballot, guaranteeing the free expression of the will of the electors.[140] The rule on the secret ballot requires that the voter privately mark their election paper. Voter secrecy is vital to have genuine elections, as voters are relieved of undue influence and intimidation.

The constitution further provides for affirmative action to rectify the historical legacy of discrimination and inequality faced by women.[141] So far, there is no comprehensive law on how and when to implement affirmative action. Nevertheless, there are preferable conditions in education and qualification for job eligibility and competence criteria. The federal civil servant proclamation contains provisions on affirmative action for women. Accordingly, it, among other things, provides for women affirmative action in recruitment and promotion,[142] and the proclamation authorizes the ministry of public service to issue detailed directives for the implementation of affirmative action.[143]

The other domestic laws that contain provisions on the political participation in general and women political participation, in particular, includes Ethiopia Electoral, Political Parties and Registration proclamation, proclamation on Definition of Power and Duties of the Executive Organs. The electoral proclamation requires the recruitment and assignment of election officials, grievance-hearing committees, and the assignment of stationary local or international observers to ensure gender representation.[144] It also demands gender representation at the political party level, both at the formation of political parties as founding members and the leadership position of political parties.[145] Further, it includes requirements of the annual report of the party members, including their gender composition.[146] Finally, the number of female candidates, members, and females at leadership positions made the criteria in determining the amount of financial support a

[140] Ibid, Article 38 (1) (c)

[141] Ibid, Article 35 (2)

[142] Federal Civil Servant Proclamation, 2017, Proc. No. 1064/2017, Federal Negarit Gazeta, 12th year No.12, Article 48 (2)

[143] Ibid Article, 51

[144] Ethiopia Electoral, Political Parties Registration and Elections Code of Code Conduct Proclamation, Article 13(5) & (6) and 15(11)

[145] Ibid, Article 64(6), 65 (5) and 74(4)

[146] Ibid, Article 78(1)(a))

political party receives from the government.[147] Another relevant law to women's political participation in Ethiopia is the Proclamation on the Definition of Power and Duties of the Executive Organs, which established the Ministry of Women and Social Affairs.[148] The proclamation under Article 10(3) urges all ministries established by the proclamation to ensure the benefits of women in every policy, law, development program, and the project they formulate. It further gives the Ministry of Women and Social Affairs detailed powers and duties over women affairs, including political participation, discussed under section 3.4.2.

3.4. Institutional Framework in Ethiopia

3.4.1. House of People Representative

The House People's Representative is an organ with the highest power in the country. It is authorized by the constitution to have the power to legislate laws on all matters assigned by the Constitution to the federal government.[149] Therefore, the house can legislate laws that encourage and facilitate women's political participation in exercising law-making power. The constitutions also empower the house to hear reports from different organs of the government. Hence, the house can hear a report in this regard and recommend action to be taken. The house can also contribute to women's empowerment when it approves the budget by approving appropriate budgets for institutions with women's agendas.

3.4.2. Ministry of Women and Social Affairs

As its name indicates, the Ministry of Women and Social Affairs is the primary and specialized organ to oversee women affairs in general, including political participation. The proclamation that established the Ministry (proclamation on Definition of power and duties of the executive organs) listed detailed powers and duties of the Ministry under Article 36.[150] This proclamation assigns the ministry with a range of activities to do to discharge its power and duties. Efficient discharge of these duties requires the ministry to undertake various activities in collaboration with several institutions, both governmental and non-governmental organizations. Accordingly, the ministry is authorized to design and implement strategic plans to ensure opportunities are

[147] Ibid, Article 100 (2)(b) and (c)

[148] The Proclamation on Definition of Power and Duties of the Executive Organs, Article 16(17)

[149] FDRE Constitution, Article 55 (1)

[150] The Proclamation on Definition of power and Duties of the Executive Organs, Article 9(16) and 28

created for women to participate in the country's political affairs actively.[151] The ministry is provided with the authority to ensure that attention is given to women's assignments in the decision-making organs of the government.[152] The ministry is also given the power to organize awareness creation activities on the rights of women and undertake studies to identify discriminatory practices affecting women and device mechanisms for their elimination.[153] In addition to the powers mentioned earlier, the ministry is authorized to conclude international treaties relating to women and follow their proper implementation.[154] Finally, ensuring the adequate implementation of affirmative action is among the powers given to the Ministry.[155] This makes the ministry a decisive institution concerning women's political participation in the Country.

3.4.3. National Electoral Board of Ethiopia (NEBE)

The National electoral board of Ethiopia is an independent agency whose establishment is pre-determined by the Constitution.[156] It is mandated by the constitution to conduct free, fair, and impartial elections in the country.[157] Per the constitution, the national electoral board is established by the proclamation enacted by the House of People's Representative, which defines its power and duties.[158] The board's primary function is an implementation of election and referendum[159]; with this regard, it is provided with ranges of powers and duties provided under Article 7 of the establishment proclamation, including the issuance of directives that enable the board to perform duties incorporated under the establishment proclamation.[160]

[151] Ibid, Article 36(1)(d))

[152] Ibid, Article 36 (1) (j))

[153] Ibid, Article 36(1)k))

[154] Ibid, Article 36 (1) (u))

[155] Ibid, Article 36(1) (j))

[156] FDRE Constitution, Article 102

[157] Ibid

[158] National Electoral Board of Ethiopia Establishment Proc, 2019, Proc. No. 1133/2019, Federal Negarit Gazeta, 25th Year No.71, Article 3.

[159] Ibid Article 7(1)

[160] Ibid Article 7(1-11)

The national electoral board of Ethiopia is one of the country's prominent institutions to facilitate the citizens in exercising their political right, i.e., the right to vote and be elected as enshrined by the FDRE constitutions and other international Human rights instruments signed by Ethiopia. It can significantly influence women's political participation in the country. We may classify the role of the electoral board into two main categories: the board's role before the election and the role of the board during the election period.

Primarily the board can facilitate women's political participation through proper implementation of laws in this regard. Hence, the board is under a duty to implement the constitutional rights of the citizens. Moreover, detailed provisions are enacted into the country's electoral laws to make constitutional rights effective. Accordingly, the board makes sure proper implementation of electoral laws facilitates women's political participation in the country, specifically the right to vote and be elected.

3.4.4. Political Parties

Political parties are among the main actors in women's political participation. Specifically, political parties are the main actors in electoral democracies. They have considerable impact on women's political participation in the country. Political parties are institutions where women can exercise their political rights as members, as candidates representing the party, and take leadership positions. On winning elections, they are the ones who determine laws and policies of the country, organize, and lead the executive branch of the government. The presence of women in different capacities in a political party is good for the party's image as well. Political parties need to consider integrating gender issues in their political agenda and take appropriate measures to ensure women participate in the leadership of political parties on an equal basis with men.[161] To achieve this, they need to remove all barriers that discriminate against women participation and take an initiative that allows women internal processes, including policymaking.[162]

3.4.5. Women's Associations

Women's governmental and non-government organizations have roles regarding women's empowerment in politics and decision-making. These organizations carry out various activities in

[161] Fourth world conference on women 4 September -15 September 1995 Beijing china paragraph 191 (c).

[162] Ibid, Para 191 (a) and (b)

this regard. They can give training; exert pressure, advocacy works, and expose and challenge barriers to women's political participation. The main task of these organizations is working on the empowerment of women. To achieve this, they can use education, facilitating and training women's rights and self-awareness, supporting or any other method. Women empowerment is one of the most effective strategies to address women's participation in leadership and decision-making. Because empowerment gives women the ability to act independently and challenge the realities, it is not counterproductive, unlike some other strategies, which perpetuate women's dependence on external assistance. Empowerment includes economic empowerment, which gives women autonomy and independence, enhancing their confidence to act independently in leadership and decision-making.

CHAPTER FOUR

Ethiopian Women's Political Participation in Reality

4.1. The Status of Women Representation in Ethiopia

4.1.1. Women Representation in Legislative Department

One of the primary mechanisms of political participation is the exercise of legislative power. Women's representation and proportion in national legislatures are increasing globally, and Ethiopia is no exception. Ethiopia has made significant progress in this regard since the first woman in parliament, Sinidu Gebru, in the 1950s. The late Honorable Mrs. Sinidu Gebru, the first and only MP, declared to the parliament in 1954, "you will see one day, after some years, there will be so many women in parliament," it turns out she was correct.[163] Since then, the proportion of women in parliament showing improvement and has reached above 40 per cent.

Table 4.1. Gender composition of HPR 1995-2021

Term	Total seat	Male	Female	Women%
1995	540	526	14	2.59
2000	547	505	42	7.67
2005	526	410	116	22.05
2010	547	395	152	27.78
2015	547	335	212	38.75
2021	425	244	181	42.59

Source: HPR, IPU Parline, and other sources

The above data reveals that the proportion of women MPs has increased steadily from the first parliamentary election in 1995 to the sixth general election in 2021. It has grown from less than 3% in 1995 to over 42% in 2021. Although elections are not held overall constituencies in the

[163] Meheret Ayenew and Tsedey Mekonnen, 'Serving as a Women MP in Ethiopia: the Challenges, Outcomes and Beyond' (the UK Political Studies Association specialist Group on Parliament).

sixth general election over constituencies election was held in June 2021, the proportion of women's representation reached over 42%. Data show that there has been consistent progress in every parliamentary election since the first in 1995. Despite significant progress in women's representation in parliament, gender parity has yet to be achieved. As a result, there is still work to achieve and maintain gender parity.

Table 4.2. Gender composition of HoF 1995-2021

Terms	Total Seat	Male	Female	Women %
1995	110	103	7	6.7
2000	112	104	8	7.1
2005	120	98	22	18.3
2010	135	111	24	17.7
2015	153	103	50	32.6
2016	153	101	52	34
2021	144	100	44	30.56

Source: HoF and IPU

Women's representation in the HoF, the upper house, is also steadily improving. It had increased from less than 7% in 1995 to 32.6% in 2015; further, the percentage increased after 2016. It reached 34 percent in 2016. Even though the proportion has decreased to 30.56 percent following the sixth general election in 2021, it has increased steadily until then. Gender parity seems to be easier to achieve in HoF than in HPR. For the HPR, the constitution requires only direct election by the people. While it gives the state council the option of electing members of the HoF themselves or holding elections to have members of the HoF elected directly by the people. So far, the practice has shown that the council selects members of the HoF. As a result, it is easier for the council to make selections based on gender equality.

The data presented above clearly show that Ethiopia is on the right track toward gender parity in the legislative branch, though; it has not yet achieved it. Whatever it may be, it is unclear whether the progress in the proportion of women in the legislative department is merely descriptive representation aimed at improving political parties' image or meeting international commitments such as the AU calls for 50% representation in all levels of decision-making bodies or substantive representation emphasizing women's impact in parliament. In either case, the increase in descriptive representation will positively influence substantive representation.

4.1.2. Women Representation in Executive Department

Another crucial area of exercise of political rights is holding and exercise of executive positions in the government. It is fundamental to exercising political rights because the executive department is in charge of the government's day-to-day operations. This will have an impact on people's rights daily. Therefore, equal participation of all citizens in this department is a matter of necessity.

Table 4.3. Percentage of women in the executive department at the federal level

Senior-level				Middle Level				Junior level			
Male	Female	Total	W%	Male	Female	Total	W%	Male	Female	Total	W%
175	42	217	19%	1349	444	1793	24.8%	1688	638	2326	27.4%

Source: MoWSA 2020 (senior level, Middle, and Junior)[164]

The percentage of women in the federal executive branch remains extremely low. The proportion of women in all the three levels of position is less than 30%. Among the levels of position in the executive department, the junior level has 27.4 more than the middle and senior levels, which have 24.8 and 19 percent, respectively. The proportion of women in the federal public prosecutor

[164] Research done under the sponsorship of the Ministry of Women, Children and Youth defines, senior level refers to the Prime Minister, members of cabinet or ministers, agency or authorities' executive directors, commissioners of commission at the federal level. Mid-level position refers to merit based professionals working at various organs of government who occupy directors or processor owner positions from federal to Woreda. Junior level positions refers to team leaders working in different government organs from the federal to Woreda level and the same definition applied here.

office is 26%. The government has taken several positive steps to promote gender equality in the executive department. Some of these include ensuring gender parity at the ministerial level, appointing women as the first female heads of state, Defense Ministers, Chief Justices, Addis Ababa City Mayor, and many other positions previously thought to be untouchable by women. In October 2018, Prime Minister Abiy Ahmed (Ph.D.) appointed 50 percent female ministers or ten out of twenty. In response to the appointment, the Prime Minister was quoted as saying, "*Our women ministers will disprove the old adage that women cannot lead.*"[165] Aisha Mohammed was appointed as Minister of Defense (the first woman to hold the position), Mufariat Kamil as Minister of Peace (the first minister for a newly established ministry and the first woman), Adanech Abebe as Minister of Revenue, and Dagmawit Mogos as Minister of Transport. The appointment of women ministers in key ministerial positions such as defense and Peace Ministers reveals a lot about the appointment type. The goal seems not to achieve numerical gender parity in ministerial positions but rather a complete gender parity. Notwithstanding these and other efforts, women's representation in the executive branches of government remains low and far from gender parity.

4.1.3. Participation of Women in Political Parties and Election

According to the International IDEA, political parties are to blame for women's underrepresentation because they serve as the primary gatekeepers of elected decision-making. It is because they are the ones who nominate women for candidacy, which in turn enables them to exercise law-making authority as a member of parliament. Inclusiveness of political parties helps the party to build public image and expand its support base. Gender equality in political parties and other institutions of political participation is critical to achieving the SDGs, while failure to include women and gender perspectives in political decision-making undermines the legitimacy of democratic institutions and processes.[166]

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[165] Toyin Owosenje, Ethiopia Prime Minister Appoints Cabinet Made up of 50% Women' Independent (16, October 2018) < https://www.independent.co.uk/news/world/politics/ethiopia-prime-minister-abiy-ahmed-cabinet-appointments-women-a8586876.html> accessed September 7, 2021.

[166] International IDEA, Gender in Political Parties Strategic plans (May 2019) < https://www.idea.int/sites/default/files/publications/gender-in-political-parties-strategic-plans-14-05-19.pdf> accessed 20, August 2021.

Political parties play a dual role in terms of women's political participation. First, it allows women to participate in politics as members of political parties and influence party policy. Furthermore, it will enable women to hold and lead various positions within political parties. Second, and perhaps most notably in terms of women's representation, political parties provide women with access to elected positions in government. Mainly through the party women, participate in elections as a candidate. When we look at the role of Ethiopian political parties in advancing women's political representation, we can realize that they are not living up to their expectations. Political parties in Ethiopia cannot be credited as a primary access door for women into elected positions. According to NEBE data on the sixth Ethiopian general election for constituencies, which was held in June 2021, female candidates out of 9,505 total candidates are 1987 (which is 20.9 percent). It demonstrates that Ethiopian political parties are insensitive about women's political representation. Given their population size, 21 percent on a candidacy list is significantly lower than the standard for women. According to the available NEBE data, the proportion of women, as voters is much higher, better, and always greater than 45 percent.

With reference to women's political participation as electorates, the proportion of women voters has consistently exceeded 45 percent of the total registered voters in Ethiopia's general elections since 1995. "*Women's political participation as candidates remains insufficient, whereas their voting participation is satisfactory*."[167] Data from NEBE also reveals the same. Accordingly, in the first parliamentary election in 1995, 9,601,820 female voters out of a total 21,337,397 were voted, representing 45 percent of the total; in the 2000 election, 48.5 percent were voted, in 2005 election,48 were percent voted, and in the 2010 election, 47.8 percent were voted. In the sixth general election (for constituencies in which election held in June 2021), out of total registered voters (37,408,600) of which female voters are 17,091,128 and male registered voters are 20,317,472 women, voters proportion stands at 46 percent. Therefore, as a voter, the proportion of women is relatively higher than other forms of political participation.

In political parties, citizens can participate as a member, candidate, and in the leadership position of political parties. On women's participation in political parties, interviews were conducted with

[167] Interview with Medhanit Legesse, in NEBE, Manager of Gender and Social Inclusion Department, Addis Ababa, (9 August 2021).

representatives from five political parties: Ethiopian Citizens for Social Justice (ECSJ)[168], Prosperity Party (PP)[169], Oromo Liberation Movement (OLM),[170] Oromo Federalist Congress (OFC),[171] and Balderas for True Democracy (Balderas) Party.[172] Data that is discussed herein is based on these interviews. When it comes to participation within political parties, the highest organ within political parties is the executive committee at the party level. The proportion of women in the executive committee of these five political parties are 28, 12, 22, 7, and 18 percent, respectively. The total average of women in the executive committee (the highest organ of a party) in these five political parties is 17.4 percent. At the junior leadership level within these political parties, women in leadership are 30, 50, 5, 1, and 15, respectively. The average number of women junior leadership in these parties is 20.2 percent. Another critical point to consider when it comes to political parties is their gender composition both for leadership and for candidacy. The proportion of female members in the political parties under consideration is 40, 50, 5, 1, and 23 percent. The average number of women in these political parties is 23.8 percent. On the factors for women's underrepresentation and participation, all respondents agree that there is no legal factor for women's underrepresentation. The main factors raised as the possible ground are the narrow political space by the representatives of four parties except for respondents from the Prosperity party. Other frequently mentioned factors by these party's representatives as potential ground include socio-cultural factors and women's lack of interest in party politics.

Regarding gender equality policy and gender quotas or special measures, two political parties from the selected five (the PP and the ECSJ) have voluntary gender quotas at the party level. Women continue to have low levels of leadership and membership in political parties, as do

[168] Interview with Emebet Birara, Women Affairs Standing committee at Ethiopian citizens for social justice Party, in Addis Ababa, Ethiopia (July 5, 2021).

[169] Interview with Asselefesh Taddese, Prosperity Party: Women League Leader, in Addis Ababa, Ethiopia (August 31, 2021).

[170] Interview with Tesemma Huduma, Executive Committee Member at Oromo Liberation Movement Party, in Addis Ababa, Ethiopia (August 4, 2021 & September 10, 2021).

[171] Interview with Desta Dinka, Oromo Federalist Congress youth League Leader, in Addis Ababa, Ethiopia (September 8, 2021).

[172] Interview with Getaneh Balcha, Balderas for True Democracy Party, Vice President, in Addis Ababa, Ethiopia (September 9, 2021).

women on candidate lists. As a result, there is an urgent need to implement reforms to increase women's representation and participation in politics.

4.2. The Need for Reform: Electoral System Reform and Gender Quota Implementation

As discussed in Chapter 3, Ethiopia is a signatory member to international human rights treaties that guarantee political participation rights to all citizens. Domestic laws, including the FDRE Constitution and other subordinate legislation, have also guaranteed the right. In addition to ensuring equal participation rights, Ethiopia takes various promising measures to ensure equal participation of women in leadership and decision-making. These measures include, but are not limited to, acknowledging past injustices and discrimination against Ethiopian women and providing affirmative actions under the constitution and other subordinate legislation, establishing and enabling institutions working on gender equality, and many other positive initiatives. Despite all these positive efforts and some progress, the data above shows that Gender parity in politics and decision-making has yet to be achieved. As a result, there appears to be a need to reform some relevant laws with more favorable laws to women's political participation and implement effective strategies to improve women's representation in politics and decision-making organs. Therefore, the following sections discuss the essential legal reform and suggest new approaches to promote women's representation in Ethiopia.

4.2.1. Women's Representation in Electoral Systems: A Lesson for Ethiopia

There are different types of Electoral systems around the world. Countries around the world choose one electoral system over the other for various reasons according to the context of the Country. The purpose of the electoral system is to translate the will of the voters as expressed via the ballot box into seats in parliament or any other government organ.[173] This can be done in several different ways. The main electoral system worldwide may be classified as plurality or majoritarian system, proportional representation (PR), and mixed system, all having features, merits, and demerits.

[173] Fana Hagos, Electoral Law Teaching Material (Prepared under the Sponsorship of the Justice and Legal system Research Institute, 2009) 15.

Plurality/Majority systems are based on the principle that the candidate or party with the highest number of votes (i.e., more than any other) or the majority of votes) wins (i.e., 50 percent plus one-absolute majority is declared the winner).[174] Proportional Representation is an electoral system based on the principle of translating a party's or grouping overall votes into a corresponding proportion of seats in an elected body.[175] In mixed electoral systems, the electorate's choice is used to elect representatives using two different systems: one Proportional Representation and one Plurality or majority system.[176]

On enhancing women, political participation, PR types of the electoral system seem to have the upper hand. Research on the practical application of the electoral system also appears to suggest it. In terms of the electoral system, strict majoritarian systems are less beneficial to women than PR systems.[177] It gives parties less incentive to put a woman candidate first if men appear to have better prospects in the majoritarian system.[178] In contrast, the PR type of electoral system is more advantageous to women's political participation. Candidate lists in the PR electoral system offer women a better chance. Countries with the highest number of women in parliament in 2004 were Rwanda (48.8 percent), Sweden (45.3 percent), Norway (38.2 percent), and Finland (37.5 percent), all having PR electoral systems.

In the same way, according to the monthly ranking published by IPU praline, as of 1 June 2021 in 25 countries, women have surpassed 40 percent in parliament. Out of these 15 countries, use PR, four mixed, three, majority system and two parallel electoral systems, which means 60 percent of the countries that have achieved 40 percent and above women in their parliament use PR electoral systems (parallel is also among the types of PR electoral system). In Africa, there are five countries with more than 40 percent women in their parliament in the same period. Four of them are countries with PR electoral systems that means 80%, and one with a parallel electoral system. According to international IDEA, this is because, rather than having to look for a single candidate who can appeal to a broad range of voters, parties in the PR system are more

[174] Drude Dahlerup et al, Atlas of Electoral Gender Quota (IDEA, IPU and Stockholm University) 21.

[175] Ibid

[176] Ibid

[177] Binder (n 29) 230

[178] Ibid

likely to consider candidates with ties and appeal to different groups and sectors of society to help attract more voters to their parties.[179] In the PR system, the final seat of a party will be determined based on the overall percentage of votes the party secured countrywide, not on whether it has secured a majority or not in every single constituency. This forces parties to accommodate candidates from different/all sects of the society. Therefore, in such systems, a party with an overwhelming majority of men candidate's risks losing the votes of half the women population. Hence, to avoid this risk, political parties will be forced to come up with candidates that appeal to all sects of society and to half the female populations. By doing so, the PR electoral system enhances women's political participation, more specifically to voting rights. In addition to its suitability to women's representation, research on the practical application of quotas found it easier to implement quotas in countries with a PR electoral system than in countries with a majoritarian system.[180] In Ethiopia, the FDRE Constitution has adopted plurality types in terms of the electoral system.[181] The HPR shall be elected from among candidates in electoral districts with a plurality of votes.

4.2.2. Gender Quota and Women's Representation: A Lesson for Ethiopia

Gender quota is a widely used strategy to promote women's representation. Gender quotas are Numerical targets that specify the number or percentage of women who must be on a candidate list or the number of seats allocated to women in a government organ or other institutions.[182] They seek to reverse discrimination in law and practice and level the political playing field for men and women.[183] Gender quotas are in line with the affirmative action provision in the FDRE Constitution.[184] The constitution acknowledges the legacy of inequality and discrimination experienced by women. It provides affirmative measures to enable women to compete and

[179] Mikael Fridell, 'Consolidated Response on Gender Quota in African Countries' https://aceproject.org/electoral-advice/archive/questions/replies/165671188 accessed August 7, 2021.

[180] I know Politics International knowledge Network of women in politics, 'Gender Quotas in African countries' https://www.iknowpolitics.org/sites/default/files/cr20gender20quotas20in20african20countries20en.pdf accessed 8 August 7, 2021.

[181] FDRE Constitution, Article 54(2)

[182] Dahlerup (n 174) 16

[183] Ibid

[184] FDRE Constitution Article 35(3)

participate with men, similar to gender quotas. Gender quotas play a critical role in providing meaningful and effective opportunities for female party members to access elected offices.[185] Notwithstanding quotas are established to enhance women's representation effectively, nevertheless it cannot remove all barriers against women's representation, such as structural and socio-cultural barriers, so it needs to be accompanied by other measures that remove these barriers and level the playing field for women.

According to the International IDEA, currently, there are 130 countries with constitutional, electoral, or political party quotas. There is disparity on women's representation in countries that use quotas and those that do not. Over time, countries with gender quotas consistently outperform those that do not. Among the countries that held elections in 2018 that did not apply quotas, women's representation average was 18.6 percent in the single and lower chamber (16 countries) and 16.2 percent in the upper chamber (10 countries).[186] Whereas, those countries that applied 30 percent legislated quotas (or higher) elected on average 27.7% women in the single and lower chamber (13 countries) and 36.1% to upper house chamber (6 countries).[187] Similarly, of the 57 countries that held elections in 2020, 25 had implemented legislated quotas (either reserved seats or candidate quotas).[188] On average, parliaments with legislated quotas elected 11.8 percent more women to single and lower chamber than parliaments with no legal quotas (27.4% Vs. 15.6%) and 7.4 more to the upper chamber (25.6 Vs. 18.2%).[189]

The available data established that countries with gender quotas have more women in their legislative departments at the global level. One may argue that Ethiopia without legislated gender quotas has more women in percentage in parliament than the average of countries with legislated women quotas globally. Nevertheless, firstly gender quota is not limited only to the legislative

[185] Dahlerup (n 174) 16

[186] IPU, 'Women in Parliament 2018: the Year in Review'< **Error! Hyperlink reference not valid.** > Accessed August 29 2021.

[187] Ibid

[188] IPU, 'Women in Parliament 2020: the Year in Review' <https://www.iknowpolitics.org/en/learn/knowledge-resources/women-parliament-2020-year-review> Accessed August 29 2021.

[189] Ibid

branch that it can be applied to executive organ[190] and all positions in political parties. Secondly, even for elected positions, the figure becomes higher in Ethiopia; maybe it is because of single-party dominance in the Ethiopian parliament. We see a long way when we compare the percentage of female candidates with the females who voted in the sixth general election (for the constituencies in June 2021). The percentage of females elected is double that of female candidates (female candidates stand at 21%, while females elected 43%). Out of 425 total constituencies, 244 men and 181 female candidates won the election, which means women took 43 percent of the seats. However, when we see total candidates lists, according to the data from NEBE, 9505 candidates, out of which 1987 were female candidates, that is 21 percent. Therefore, had it not been for single-party dominance in the ordinary course of the thing, we could only expect around 21 percent of parliamentary seats to be held by women, equivalent to women's proportion in the candidate list. At least legislated candidate lists can improve the proportion of the total women candidates in the candidate lists. The increase in the proportion of women candidates may have analogous impacts on women's elected.

[190] For instance, the constitution of Rwanda provides 30 percent seats in the senate and decision-making organs of the government each, for further see the Constitution of Rwanda Article 80(5) and 10(4).

CHAPTER FIVE

Conclusion and Implications

5.1. Conclusion

Equality and non-discrimination are the core principles of human rights. Political participation is a fundamental human right guaranteed under international human rights instruments and domestic legislation. International human rights instruments and domestic laws on the right to political participation prohibit unreasonable barriers to the enjoyment of the right and require the states to facilitate domestic mechanisms for exercising the right. Equal participation and representation of women in leadership and decision-making can be justified from a human rights perspective. Political participation is a fundamental human right; women have the right to enjoy their human rights equally. It can also be justified from what they can bring to the country's politics from their nature as mothers. Moreover, equal participation of women in politics and decision-making is of paramount importance to women, political parties, people in general, and the country as it enhances leadership quality.

International experience from countries around the world suggests that the Proportional Representation (PR) electoral system and gender quotas are practical tools for increasing women's political representation. Countries such as Rwanda, which has the highest proportion of female parliamentarians and has achieved gender parity in the executive branch at the ministerial level, use the PR electoral system and legislated gender quotas at the constitution level. The PR electoral system is more favorable to women's political representation than Ethiopia's current first-past-the-post plurality electoral system. Aside from being better suited to promoting women's representation, it is easier to implement gender quotas in countries with a PR electoral system. The existence of appropriate legislation with effective implementation is a necessary condition for women's political participation. The proper implementation of such a law is just as important as its existence, if not more so. Hence, for women to have meaningful involvement and influence in the country's politics there is a strong need for appropriate laws implemented and assisted by strong institutions.

Coming to Ethiopia, despite the law requiring equal participation in politics, women remained underrepresented in Ethiopian politics and decision-making positions in the institutions studied. Women's proportion has seen a consistent and promising rise in the legislative department, though still to reach full gender parity. Notwithstanding the increase in the representation of women in the legislative department, the proportion of females on candidate lists are still very poor. Similarly, the proportion of women in the executive department is very low. As the primary tool for women's political participation, especially for elected organs and positions, in Ethiopia, political parties show a lack of will and commitment to promoting women's political participation in the country. As a result, women are still rare in leadership positions, membership, and on candidate lists of political parties in Ethiopia.

5.2. Implications

Despite a law requiring equal political participation, it is concluded that women in Ethiopia are underrepresented in politics and decision-making positions in institutions covered under this study. Therefore, this study implies the following based on the findings and the worldwide experience supporting their effectiveness.

Proper implementation of existing law on equal participation in politics and women affirmative treatments as provided under the existing law. In addition to the appropriate implementation of the existing laws on equal participation, it is wise to revise the electoral system. A Proportional Representation electoral system that promotes women's representation ought to replace the current first-past-the-post electoral system.

Introduction of legislated gender quotas. The voluntary gender quotas currently applied by the political parties need to be supported with mandatory legislated gender quotas. Reserved seats are recommendable for both the legislative branch and executive department at all levels as it determines the minimum number of women in the organs of the government. It is wise to introduce the Candidate list gender quota to increase women on candidate lists that is currently low. It is imperative to have gender quotas at subsidiary law than at the constitutional level, as it is easier to introduce quotas at subordinate legislation than at the constitutional level. Moreover, quotas are a type of affirmative action temporary in nature, so it is easier to amend provisions in the subordinate law than in the constitution when it achieves its desired objectives.

For political parties and all other institutions: Political parties need to integrate gender issues as an essential policy at the party levels and recommendable to have a gender equality policy, gender quota for membership, candidacy, and all leadership positions within political parties. Integration of women in political parties will positively affect the political parties as well. Overall, all other institutions related to women's rights and political participation need to collaborate and discharge their statutory and moral duties at the highest level.

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Appendix

Interview Questions Guideline

Interview guide on **political participation of women in Ethiopia: law and realty**, for informants from speakers of the two federal houses, from the ministry of women, children and youth and National Electoral Board of Ethiopia; and informants from political parties legally registered by National Electoral Board of Ethiopia.

Your contribution is of utmost importance for the quality and success of the study. The study's success by revealing the gap between law and practice in the area of political participation of women in Ethiopia ultimately contributes to solving the problem in this regard. Therefore, your cooperation is part of this problem-solving study.

NB. I) the only purpose of this interview is to gather information on women's political participation in Ethiopia. II) Information obtained will only use to achieve the objective of this study.

Thank you in advance for your cooperation!

I. For respondents from the Ministry of Women, and Social Affairs

1. How do you see the role of women in the areas of decision-making in Ethiopia?
2. What is the role of the Ministry of Women, Children, and Youth in ensuring fair representation of women in politics and governance of the country?
3. According to the Proclamation on Definition of the Powers and Duties of the Executive Organ of Federal Democratic Republic of Ethiopia, Proclamation No. 1087/2018 Article 28(1), among the powers and duties of the ministry one, is to design and implement a strategic plan to ensure opportunities are created for women to actively participate in politics. How is your ministry carrying out this power and duty?
4. What practical measures have been taken in this regard by your ministry? What do they suggest should be done?
5. Any statistical data on women in government (public service? In political parties?

II. For informants from the speakers or officials from House of People Representative (HPR) and House of Federation (HoF)

1. What is the percentage of women compared to men as Members of Parliament?
2. Are women fairly represented in the federal legislative department?
3. What is your institution's role in ensuring women's equal representation in politics and decision-making in Ethiopia?
4. What are the laws on the political participation of women in Ethiopia? How do you see their role in ensuring women's political participation in Ethiopia? Is there a law that needs amendment?
5. What do you think should be done to increase the participation of women in politics and other fields? What has been done in this regard if any?

III. For respondents from the National Electoral Board of Ethiopia

1. How do you see the role of women in Ethiopia's politics?
2. How is the practice of women exercising their constitutional right to vote their representative in Ethiopia?
3. How do you see women's participation as elected representatives in Ethiopia?
4. What is the role of the national electoral board of Ethiopia in advancing the role of women in electoral politics?
5. What practical measures have been taken by the electoral board to ensure fair representation of women in Ethiopia in electoral politics?
6. Is there any compulsory quota or other measures to ensure fair gender representation in political parties from membership to a higher position in political parties?

IV. For respondents from Political Parties

1. How is gender composition in your party?
2. Is there any law that prevents the equal participation of women? How do you see the constitution, electoral law, and electoral system in this regard?
3. Does your party have a gender equality policy? Quota or special measure program?
4. What is the number of women in high positions in your party? What percent does it constitute?
5. What percentage do women constitute in the middle position in your party?
6. What percentage do women constitute at a lower position in your party?

7. What is the percentage of women as a member of your political party?
8. What is the percentage of women nominated in your party for the upcoming general election?
9. What are the factors for the underrepresentation of women (if any) in your political parties as a member, leader, and nominee?
10. What measures have been taken by your party to encourage women's participation as a member, nominees, and leaders in your party?