



**MECHANISMS FOR BUILDING SUPPORT FOR WOMEN, YOUTH AND  
PERSONS WITH DISABILITIES IN LEGISLATION: A CASE FOR A POLITICAL  
PARTIES ACT IN ZAMBIA**

**BY**

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**Abstract**

Zambia's political landscape remains structurally exclusionary. Women constitute over 51% of the population, yet hold only 15% of seats in the National Assembly.<sup>1</sup> Youth and persons with disabilities (PWDs) are similarly underrepresented.<sup>2</sup> Despite the constitutional framework affirming inclusive governance, the lack of enabling legislation has left these aspirations unfulfilled.

The *Constitution (Amendment) Bill No. 7 of 2025*, whose initiation process was declared Unconstitutional by the Constitutional Court, sought to introduce proportional representation for marginalised groups. While progressive in intent, the Bill failed to address the gatekeeping role of political parties. Drawing from regional

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<sup>1</sup> Inter-Parliamentary Union, 'Zambia National Assembly: Women's Representation' (2021)

<https://data.ipu.org/parliament/ZM/data-on-women>

<sup>2</sup> Ibid

obligations under CEDAW, the Maputo Protocol, and the SADC Protocol on Gender and Development, as well as legislative models from Kenya, South Africa, and the EU, this brief makes the case for a comprehensive Political Parties Act. Such a law would institutionalise inclusive democracy through candidate quotas, public funding conditionality, internal party reform, and enforceable compliance mechanisms.

## **1. Introduction: The Role of Political Parties in Inclusive Representation**

Political parties in Zambia are the primary vehicles through which citizens access political power.<sup>3</sup> Yet, in the absence of binding internal democratic obligations, these parties often reproduce socio-economic and patriarchal exclusion. After the 2021 general elections, women occupied only 25 out of 167 elected seats, approximately 15%.<sup>4</sup> Less than 1% of Members of Parliament were under 30 years of age,<sup>5</sup> and PWDs remain virtually invisible in legislative bodies.<sup>6</sup> Despite making up a majority of the population, Zambia's youth are effectively excluded from formal politics. Following the 2021 elections, only one elected Member of Parliament was under the age of 30, accounting for just 0.6% of all MPs, with zero female MPs under 30 years of age.<sup>7</sup> This is deeply troubling in a country where over 60% of the population is under 35.<sup>8</sup> The exclusion is not due to a lack of political interest but rather due to structural barriers, such as prohibitively high nomination fees, minimal youth representation within party structures, and a lack of targeted support mechanisms during internal party nominations.

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<sup>3</sup> Constitution of Zambia (Amendment) Act No. 2 of 2016, art 60.

<sup>4</sup> Ibid, No 1

<sup>5</sup> Ibid

<sup>6</sup> National Assembly Hansard (2022), reporting zero elected MPs identifying as persons with disabilities.

<sup>7</sup> Inter-Parliamentary Union, *Youth Participation in National Parliaments* (IPU, 2021)

<https://data.ipu.org/parliament/ZM/data-on-youth>

<sup>8</sup> Ministry of Youth, Sport and Arts (Zambia), *State of the Youth Report 2023* (December 2023)

<https://www.mysa.gov.zm/wp-content/uploads/2023/12/STATE-OF-THE-YOUTH.pdf>

The marginalisation of persons with disabilities is equally stark. Although Zambia enacted the *Persons with Disabilities Act in 2012* and ratified the *UN Convention on the Rights of Persons with Disabilities (CRPD) in 2010*,<sup>9</sup> no elected Member of Parliament identified as a person with a disability in the 2021 elections.<sup>10</sup> However, some progress has been made at the local level, with three councillors with disabilities elected in municipal councils.<sup>11</sup> These figures reflect a systemic failure to translate legal commitments into political realities and highlight the absence of enforceable inclusion mechanisms in party nominations and campaign support structures.

These patterns reflect structural barriers that are not merely social but legal and institutional.

*Article 60 Constitution of Zambia (Amendment) Act No. 2 of 2016* recognises and regulates political parties in Zambia.<sup>12</sup> However, in the absence of enabling legislation specifically, a Political Parties Act, the constitutional mandate to promote inclusivity in party nominations and leadership structures remains unenforced, allowing systemic exclusion to persist unchecked.

## 2. Constitutional and Legal Foundations

**Article 60** defines political parties as essential to Zambia's democracy and mandates them to practice internal democracy, promote national unity, and uphold gender equality.<sup>13</sup> Further, **Article 259 (1)(b)** requires appointing authorities to ensure gender equity and representation of marginalised groups.<sup>14</sup> These provisions, when read

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<sup>9</sup> Persons with Disabilities Act No 6 of 2012 (Zambia); United Nations Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3 (CRPD).

<sup>10</sup> Inter-Parliamentary Union, *Zambia Parliament – Disability Representation Data* (IPU, 2022) <https://data.ipu.org/parliament/ZM/data-on-disability>.

<sup>11</sup> Demo Finland and Zambia National Women's Lobby, *Strengthening Political Participation of Persons with Disabilities in Zambia: Learning Report* (2023) <https://demofinland.org/en/our-work/zambia/>

<sup>12</sup> Ibid, No 3

<sup>13</sup> Ibid

<sup>14</sup> Ibid, art 259(1)(b)

together, create a constitutional imperative for legal mechanisms to support inclusive participation.

In addition to domestic constitutional duties, Zambia is bound by regional and continental frameworks that emphasise youth inclusion in public life. Article 11 of the African Youth Charter (2006), to which Zambia is a State Party, obliges governments to “*guarantee the participation of youth in parliament and other decision-making bodies.*”<sup>15</sup> Similarly, the SADC Protocol on Youth Development commits member states to eliminate legal and institutional barriers to youth political engagement.<sup>16</sup> These instruments reinforce Article 259 of Zambia’s Constitution by mandating that the State adopt affirmative legislative and institutional measures, such as quotas and inclusive funding models, to integrate youth into national governance.

Despite these requirements, Zambia has yet to enact a **Political Parties Act**, although previous attempts were made in 2003, 2017, and 2019. These efforts stalled due to political resistance and lack of public engagement. This legal gap has left political parties operating without enforceable accountability on inclusion.

### 3. Constitution (Amendment) Bill No. 7 of 2025

In March 2025, the Zambian government introduced **Bill No. 7 of 2025** as a **draft constitutional amendment**.<sup>17</sup> The Bill proposes to reserve 35 parliamentary seats under a proportional representation (PR) model, 20 for women, 12 for youth, and 3 for persons with disabilities. These would supplement the 211 seats contested through the current First-Past-the-Post (FPTP) system.

#### 3.1 Strengths of the Draft Bill

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<sup>15</sup> African Youth Charter (adopted 2 July 2006, entered into force 8 August 2009) AU Doc. EX.CL/292 (IX) art 11.

<sup>16</sup> SADC, *SADC Protocol on Youth Development* (2006), art 8 <https://www.sadc.int>

<sup>17</sup> Constitution (Amendment) Bill No. 7 of 2025

The proposal recognises systemic exclusion and introduces legally enforceable quotas, aligning with Zambia's international and regional obligations under CEDAW, the Maputo Protocol, and the SADC Protocol on Gender and Development, which calls for 50% representation of women in decision-making by 2030. It also incorporates youth as a distinct category, reflecting Zambia's demographics, where over 60% of the population is under the age of 35.

### **3.2 Limitations**

The proposed Bill fails to reform party-level nomination procedures and lacks clear mechanisms for implementation, selection, or vetting. Without institutional safeguards, it risks elite capture and tokenism. Additionally, it received public criticism from civil society organisations, including NGOCC, for lacking adequate consultation and stakeholder ownership. While the Bill signals political will, its limited institutional reach cannot remedy entrenched exclusion rooted in intra-party structures.

## **4. Why the Political Parties Act Offers a Better Mechanism**

### **4.1 Political Parties as Gatekeepers**

Political parties control candidate selection, campaign financing, and leadership pathways. Studies show that exclusion often occurs before the ballot, during internal nominations.<sup>18</sup> Without mandatory inclusion criteria, parties perpetuate old boys' networks, economic gatekeeping, and gender bias.<sup>19</sup> Electoral reforms that bypass these internal processes merely offer symbolic participation.

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<sup>18</sup> Alice Kang, 'Gender Quotas: A Review' (2009) 43 Comparative Political Studies 1321

<sup>19</sup> Melanie Hughes and Mona Lena Krook, 'Gender Quotas in Politics: A Review' (2008) 8(3) Representation 3.

## 4.2 Legal and Policy Tools in a Political Parties Act

A robust Political Parties Act could:

- (i) **Mandate quotas:** e.g., 40% women, 10% youth and PWDs across candidate lists.
- (ii) **Tie public funding to compliance:** operationalise **Article 60(4)(a)** through a Political Parties Fund.
- (iii) **Require inclusive leadership structures:** parties must reflect national diversity in central committees. Pilot initiatives in Zambia have demonstrated the effectiveness of institutionalising disability inclusion. A 2023 collaboration between Demo Finland, Disability Rights Watch, and the Zambia National Women's Lobby supported political parties in developing internal disability inclusion plans.<sup>20</sup> These included nomination fee waivers for PWDs, accessibility audits of party offices, and the establishment of disability inclusion sub-committees within national executive structures. Such reforms show that when disability inclusion is operationalised within political parties backed by policy, finance, and training, it significantly enhances participation and visibility.
- (iv) **Enforce compliance:** through oversight by the ECZ or a Registrar of Political Parties.
- (v) **Report annually:** with public disclosure of financials and inclusion metrics.

To align with demographic realities and remedy persistent exclusion, the proposed Political Parties Act should mandate minimum representation thresholds across party structures: **40% for women, 10% for youth (aged 19–35), and 5% for persons with disabilities**. These quotas should apply across national and local elections

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<sup>20</sup> Demo Finland, *Disability Inclusion in Political Parties – Zambia Case Study* (2023) <https://demofinland.org/en/our-work/zambia/>

and be phased in progressively, beginning with the 2026 general elections.<sup>21</sup> Enforcement should be tied to public funding eligibility and nomination list approvals. This framework would institutionalise inclusion not only in law but also in practice.

## 5. Comparative Models

### 5.1 Kenya – Political Parties Act 2011

Kenya's Political Parties Act 2011 (as amended in 2022)<sup>22</sup> links public funding to compliance with internal democracy and inclusion. Political parties must submit gender-disaggregated data and demonstrate the representation of special interest groups, including women, youth, and persons with disabilities. The **Office of the Registrar of Political Parties (ORPP)** is mandated to audit compliance and may withhold funding or deregister parties that breach these obligations. In Advisory Opinion No 2 of 2012, the Supreme Court of Kenya held that the constitutional two-thirds gender rule under Article 81(b) is legally enforceable and must be progressively implemented through legislation.<sup>23</sup>

### 5.2 South Africa – Political Party Funding Act 2018

South Africa's Political Party Funding Act 6 of 2018 promotes democratic transparency without mandating gender quotas. The Act requires political parties to disclose public and private donations above R 100 000 to the Independent Electoral Commission (IEC), bans foreign government or public entity donations (except for training or development), and grants the IEC power to audit party finances, suspend

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<sup>21</sup> Author's analysis based on demographic data from Zambia Statistics Agency (ZamStats), *2022 Census of Population and Housing* (ZamStats, 2023) <https://www.zamstats.gov.zm>

<sup>22</sup> Political Parties Act 2011 (Kenya)

<sup>23</sup> *Advisory Opinion No 2 of 2012* [2012] eKLR (Supreme Court of Kenya); Political Parties Act No 11 of 2011 (Revised 2022), available at <https://orpp.or.ke/wp-content/uploads/2023/06>

funding, and impose penalties for non-compliance.<sup>24</sup> While the Act does not legislate quotas, it does condition public funding on adherence to these governance and transparency standards. Additionally, the African National Congress (ANC) enforces an internal **50% gender quota** in its decision-making bodies and candidate lists, a policy adopted and upheld by major conferences such as the 2007 and 2009 elective conferences.<sup>25</sup>

### 5.3 European Union

Countries like France, Belgium, and Sweden use funding penalties and list parity to encourage gender representation.<sup>26</sup> In France, parties that fail to field at least 50 % women candidates face deductions in state subsidies.<sup>27</sup> Belgium mandates an alternating male–female “zipper” system for candidate lists to ensure gender balance.<sup>28</sup> Sweden does not impose legal quotas, but many parties practice voluntary zipper lists to promote equal representation.

## 6. International Law and Scholarly Evidence

Zambia is a State Party to several international and regional instruments that commit it to advancing the political participation of women and other marginalized groups. Firstly, Zambia ratified the United Nations *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, which under *Article 4* explicitly permits the adoption of *temporary special measures*, including quotas, aimed at

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<sup>24</sup> Political Party Funding Act 2018 (South Africa)

<sup>25</sup> **ANC National Conference Reports**, *ANC 52nd National Conference Resolutions* (Polokwane, December 2007); see also *ANC 54th National Conference Report* (Nasrec, December 2017) <https://www.anc1912.org.za/anc-documents/>

<sup>26</sup> European Commission, ‘Gender Balance in Political Decision-Making’ (2022)

<sup>27</sup> France Electoral Code, art L52-5.

<sup>28</sup> Belgium Electoral Code (as amended 2002).



accelerating de facto equality between men and women.<sup>29</sup> Such measures are not considered discriminatory under international law, provided they are discontinued once substantive equality is achieved. Secondly, Zambia is also party to the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa* (commonly known as the *Maputo Protocol*), which obliges States under *Article 9* to take *affirmative action and legislative measures* to promote women's active participation in political life and decision-making processes.<sup>30</sup> Thirdly, Zambia has adopted the *Southern African Development Community (SADC) Protocol on Gender and Development*, which urges Member States to enact specific legislation and implement measures to ensure *50 percent representation of women in political and decision-making positions* by 2030.<sup>31</sup> Collectively, these instruments establish clear legal obligations for Zambia to pursue inclusive representation through enforceable domestic reforms, including the possible enactment of a Political Parties Act that incorporates binding candidate quotas for women, youth, and persons with disabilities.

## 6.1 Scholarly Support for Quota Mechanisms

A growing body of scholarly research supports the adoption of quota mechanisms as effective tools for increasing the political representation of women. *Mona Lena Krook and Pippa Norris (2008)* highlight that countries implementing quotas have witnessed a significant increase, often a doubling in the proportion of women in legislatures.<sup>32</sup> Similarly, *Jennifer M. Piscopo and Mala Htun (2008)* argue that *party quotas*, especially when linked to compliance with funding requirements, tend to

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<sup>29</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW) art 4.

<sup>30</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 11 July 2003, entered into force 25 November 2005) art 9.

<sup>31</sup> Southern African Development Community (SADC), *Protocol on Gender and Development* (2008) art 12 and 13.

<sup>32</sup> Mona Lena Krook and Pippa Norris, 'Beyond Quotas: Strategies to Promote Gender Equality in Elected Office' (2008) 9 *Political Studies* 3

outperform *national quotas* in achieving substantive gender inclusion.<sup>33</sup> However, recent studies caution against viewing quotas as panaceas; *Bouka et al. (2019)* note that without comprehensive internal party reforms, quotas may merely serve to entrench elite women, thereby limiting broader representation.<sup>34</sup> The renowned political scientist *Drude Dahlerup (2006)* conceptualizes quotas as “temporary accelerators” designed to fast-track equality rather than permanent solutions, emphasizing the importance of complementary measures to achieve sustainable gender parity.<sup>35</sup>

## 7. Recommendations and Conclusion

The following actions are recommended:

1. Enact a **Political Parties Act** before the 2026 elections.
2. Mandate **progressive quotas** (e.g., 30% by 2026; 50% by 2031).
3. Tie public funding to inclusion and transparency.
4. Appoint an **independent registrar or empower the ECZ** to monitor compliance.
5. Ensure alignment with regional and international frameworks.

Political inclusion cannot be achieved through symbolic constitutional amendments alone. Zambia must legislate at the source, political parties, to dismantle systemic exclusion.

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<sup>33</sup> Jennifer M Piscopo and Mala Htun, ‘Women’s Representation in Latin America: Why and When Gender Quotas Work’ (2008) 30 *Journal of Politics* 20

<sup>34</sup> Stéphanie Bouka et al., ‘Elite Women and the Limits of Gender Quotas’ (2019) 44 *European Journal of Political Research* 1

<sup>35</sup> Drude Dahlerup, ‘Using Quotas to Increase Equality: Defining the Issues’ in Drude Dahlerup (ed), *Women, Quotas and Politics* (Routledge 2006) 3.

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