

TO THE PARLIAMENTARY SELECT COMMITTEE ON ELECTORAL  
REFORMS

**ELECTORAL REFORMS- POLITICAL REPRESENTATION OF WOMEN**

**MAY 2004**

This submission is based on the report of a round-table discussion on electoral reform and women's political representation organized by the Women and Media Collective on 18-05-2004, and the submissions made by the International Centre for Ethnic Studies, Women and Media Collective and the Muslim Women's Research and Action Forum to the Parliamentary Select Committee on Electoral Reforms on 12 October 2003.

The recommendations are in two parts; the first section relates to increasing women's representation and the second to electoral reform in general.

## **INCREASING WOMEN'S POLITICAL REPRESENTATION**

### **1. Introduction**

- 1.1 Given the dismal statistics in relation to women's representation in political bodies, a number of women's organizations in Sri Lanka have been involved in efforts to increase women's representation at all levels of government through training, capacity building and awareness raising as well through engaging in advocacy and lobbying with political parties and policy makers at the national level for affirmative action as an issue of priority concern, to further democracy and equality for women. The women's organizations while engaging in activities to further women's political participation, would like to point out that without State action (in the form of legislation and policy reform) and support, non-governmental efforts will be insufficient to make a substantial impact.
  
- 1.2 As the Sri Lankan government has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) it has a positive duty to "take appropriate measures to eliminate discrimination against women in the political and public life in the country" (Articles 7 & 8 CEDAW). In addition, the Electoral

Reforms Committee should also take note of the Concluding Comments of the CEDAW Committee on Sri Lanka's third and fourth periodic reports. In these comments, the Committee has urged the government to "take all necessary measures to increase representation of women in politics...including through the implementation of temporary special measures."

- 1.3 There is widespread support among women's groups in Sri Lanka for a system of quotas both at local government and provincial council levels which would ensure that at least 30% of women are elected. Please note that 30% is the percentage put forward by the United Nations Commission on the Status of Women. A mere reservation in the party nomination list would not guarantee the election of a substantial number of women. Without a mechanism that positively guarantees a place for women, they will continue to be marginalised from political and decision-making processes, and vital issues of relevance to the lives of women will continue to be determined by men.

## **2. The Effects of the Electoral System on Women's Representation in Sri Lanka**

We as women of Sri Lanka, in principle, accept that Proportional Representation (PR) is more favourable to women. However, the PR system as adopted in Sri Lanka has had an adverse effect on the participation of women in the political processes of the country. This is due to the large size of the constituencies and the introduction of the preferential system with the Proportional Representation system. Hence, we request that the preferential system be abolished. Keeping in mind that the current discussions on and recommendations for electoral reform centre around a mixed system we propose the following.

**(i) Elections to Local Government**

- 2.1 In single member constituencies 50% reserved seats for women on a rotating basis at each of these constituencies
- 2.2 In the seats elected on the PR system 50% of nominations reserved for women.
- 2.3 In addition, where the PR system is concerned, we also request a closed list with every other name on the list being a woman.

**(ii) Elections to Provincial Councils**

- 2.4 There should be 1/3<sup>rd</sup> reserved seats on the constituencies elected on the FPTP and 1/3 reservations for women on the nomination list for seats elected on the proportional representation system. We recommend that it be a closed list with every third name on the list being a woman.
- 2.5 Where the appointment of the Governor of the Province is concerned, we request that Governors of 3 provinces be women. The provinces should be chosen on a rotating basis.

**(iii) Elections to Parliament**

- 2.6 There should be 1/3<sup>rd</sup> reserved seats on the constituencies elected on the FPTP and 1/3 of reservations for women on the nomination list for seats elected on the proportional representation system. We recommend that it be a closed list with every third name on the list being a woman
- 2.7 If the national list is retained 50% of nominees should be women. Every second name on the proposed national lists of all parties should be a woman.

## **ELECTORAL REFORMS- GENERAL RECOMMENDATIONS**

### **3. Misuse of State Resources**

#### Amendment of the 17<sup>th</sup> Amendment

The enforcement provisions relating to directions by the Election Commissioner prohibiting the use of any movable or immovable property belonging to the State or any public corporation by any candidate, political party or independent group as well as for the purpose of promoting or preventing the election, are non-existent in the 17<sup>th</sup> Amendment which only imposes a vague duty on every person or officer in whose custody or control such property lies, to comply with and give effect to such direction.

We therefore request the introduction of a clause, which relates not only to the Commissioner's authority with regard to state resources but compels any person who contravenes, fails or neglects to comply with any direction or order issued by the Commissioner or indeed, any provision of the law relating to elections, guilty of an offence. This should enable the Commissioner to institute criminal proceedings in the appropriate court under his own hand. Where any particular offence was not punishable by any particular law, the Commission or the Attorney General should move the High Court in the matter. Rigorous penalties should be imposed on a person found guilty of such offence. The 17<sup>th</sup> Amendment should be amended along these lines to introduce clear and effective provisions regarding the misuse of state resources.

### **4. Campaign Expenditure**

- 4.1 A ceiling should be imposed on campaign spending and candidates should be required to make the requisite declaration to that effect with punishment (amounting to the forfeiture of the seat won) for violation of these laws.

- 4.2 All political parties should be obliged to maintain regular accounts, clearly and fully recording therein all amounts received by them and all expenditure incurred, as for example, in Germany. The proposal put forward by the Law Commission of India could be useful in this regard. (Law Commission of India, One Hundred Seventieth Report on Reform of the Election Laws, May 1999)
- 4.3 The Law Commission recommended that the audited accounts be submitted to the Elections Commission before the prescribed date every year, with the Commission being required in its turn to publish the said accounts for public information. The Commission reasoned it was important to introduce an element of transparency and openness in the financial matters of political parties, being backed in this regard by a powerful judgment of the Supreme Court in Gajanan Bapat v Dattaji Meghe (1995, SCC, 347).
- 4.4 Transparency and accountability can also be achieved through requiring candidates to keep separate accounts of all expenditure incurred by him or her from the date of nomination to the date of election. The relevant acts relating to local authorities, provincial and parliamentary elections in Sri Lanka should be amended to incorporate these stipulations.

## **5. Responsibility of Political Parties for Misconduct of their Candidates**

As current election laws in Sri Lanka do not have sufficient deterrent impact on the party itself as opposed to an individual candidate, penalties should be imposed on political parties for the corrupt and illegal practices of individuals acting as agents of parties. The relevant acts relating to local authorities, provincial and parliamentary elections in Sri Lanka should be amended to incorporate these penalties.

Those with criminal records/convictions should be prohibited from contesting elections.

## **6. Party Structure & Responsibility**

Although women play an important role in campaigning and mobilizing support for political parties, they are marginalized from decision making structures within parties, and ignored as potential candidates during election times. We recommend all parties to formulate a clear and comprehensive policy on gender equity and incorporate into their party constitutions. Parties should also be aware of need to:

- 6.1 Ensure at least 50% women's representation within the party decision making hierarchy, particularly in executive committees, district committees, working committees, nominations committees and trade unions;
- 6.2 Formulate and publicise a clear, transparent and gender sensitive set of rules for selection of candidates for contesting elections;
- 6.3 Encourage, train and support women to enter politics and maintain a list of women candidates with a record of active political participation. This will enable parties to identify women candidates and ensure that women are not overlooked in the nomination process;
- 6.4 Establish a special trust fund for women candidates as they often lack the resources necessary for an election campaign and are not in a position to raise funds for such purposes; and
- 6.5 Take concrete action to transform the prevailing violent political culture which has marginalized women from electoral politics.

As party support is imperative for the electoral reform, including affirmative action for women, we request the continuing support of all parties.

## 7. Voting Rights for Sri Lankans Employed Overseas

Ensure that necessary amendments are made to election laws so that Sri Lankans employed overseas can use their franchise at Presidential and Parliamentary elections held during their tenure of employment.

### **Submissions Made By:**

1. The International Centre for Ethic Studies
2. The Women and Media Collective
3. Muslim Women's Research and Action Forum
4. Sri Lanka Women's NGO Forum
5. Voice of Women
6. Agromart Foundation
7. Centre for Women's Research
8. Sri Lanka Muslim Conference
9. Wilpotha Women's Savings Effort, Puttalam
10. Women's Alliance for Peace and Democracy
11. University of Peradeniya
12. National Peace Council
13. Women's Education and Research Centre
14. Movement for the Defence of Democratic Rights
15. National Anti-War Front
16. Women's Development Centre, Badulla
17. Uva Wellassa Farmer Women's Organisation, Moneragala
18. Mothers and Daughters of Lanka
19. Centre for Women's Development, Jaffna
20. Suriya Women's Development Centre, Batticaloa
21. Ruhuna Gami Kantha Sangvidhanaya
22. Sinhala Kantha Abhuvurdhi Sangvidanaya
23. Women's DEvelopment Foundation, Kurunegala
24. Ms. Lalitha Dissanayake, Former Secretary, Ministry of Women's Affairs
25. Ms. Indrani Iriyagolla, Former Chairperson, National Committee on Women, Ministry of Women's Affairs.