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பெண்கள் மற்றும் ஊடகக் கூட்டமைப்பு
Women and Media Collective

**SUBMISSIONS MADE TO THE COMMITTEE APPOINTED TO REVIEW
THE LOCAL AUTHORITIES ELECTION SYSTEM
POLITICAL REPRESENTATION OF WOMEN
BY THE WOMEN AND MEDIA COLLECTIVE**

09 APRIL 2021

Prior to the 2018 elections to Local Authorities, women's representation remained at less than 2% in Local Government. Conducted under the provisions of the Local Authorities Election (Amendment) Act No.16 of 2017, women's representation increased to 25% in all but 16¹ of the 341 Local Authorities due to the special measures introduced to ensure that more women were elected to local authorities.

These measures known as the 25% women's quota were introduced primarily to redress the imbalance in women's representation in Local Government.

In Sri Lanka those who desire to contest and win an election have to contest through one of the key political parties. The Proportional Representation (PR) system has further strengthened the position of the party and its leadership against individual politicians/representatives. Aspiring women politicians particularly depend greatly on the party organization and its national and local leadership for candidacy and subsequent winning. As such, parties have become indispensable for increasing women's representation in politics.

Yet mainstream political parties have only given women between 4% and 6% nominations to contest local elections. In the prevailing political culture in Sri Lanka, however, a mere reservation in the party nomination list does 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 and their communities will continue to be determined by men.

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. Quotas are a

¹ Information received from the Mr. M.M.Mohamed, Additional Commissioner of Elections (Legal and Investigation), Election Commission of Sri Lanka, on 25/4/2018

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recognition of the informal deep rooted socio-economic and cultural barriers that have kept women out of politics for decades and a recognition of the principle of substantive equality of women.

It challenges the classical liberal notion of formal equality which assumes that removing formal barriers, i.e. giving women the right to vote and the right to be elected to office is sufficient to give women equal access to political institutions. It is a mechanism that recognizes and addresses other structural inequalities and barriers such as cultural and political discrimination and further strengthens democracy.

The Women's quota of 2017 addressed this shortcoming by introducing a legally binding provision to ensure that political parties gave women nominations to contest at least 10% of ward seats – i.e. the opportunity to contest 10% of a total of 5092 ward seats available and 537 women were elected to wards². The quota also required political parties to nominate 50% women to the additional persons list and called on the Elections Commission to ensure that 25% of all Local Authorities consist of women.

At the 2018 Local Government election women won a total of 537 ward seats and 1454 were appointed from the additional persons list. This indicates that women won 10% of wards having been given the opportunity to contest 10% of wards overall. This was an extremely positive result of the quota, proving that women, when given the opportunity are well able to win seats.

The 25% quota was won as a result of at least 20 years of advocacy and campaigning by women's groups, women politicians and women Parliamentarians. It now allows women a much-needed opportunity to engage in a policy landscape where decisions about their lives and needs are made and it also allows women the opportunity to shape local policy generally finally recognizing women's high achievements in many sectors of the economy and the contribution they can make to politics.

In a study conducted by the Women and Media Collective, among 750 women candidates and women local councilors from the districts of Kandy, Kurunegala, Badulla, Galle, Trincomalee, Nuwara Eliya, Kilinochchi and Mullaitivu, following the 2018 Local Government election, it was found that:

² https://elections.gov.lk/en/elections/elections_local_authorities_election_system_E.html
<https://www.colombotelegraph.com/index.php/governments-womens-quota-a-total-success/>



- As with the male candidates, some of the women came from political families and found this was an advantage to win a seat. Yet, a majority – 62% – of the women who won did not have family members engaged in politics in the past or at present.
- Once elected, women with knowledge on political matters and governance were better able to command the attention of male politicians and navigate the local government system although men continued to view them negatively and gaining recognition and acceptance continued to be a challenge.
- Experience in politics and duration of time with the party, did not appear to have a strong co-relation with electability as 1/3 of the successful candidates had over 20 years of experience in politics, while 1/3 of them had less than 5 years of experience.
- All contestants reported that they received support from their family, relatives, and their community. While the women who won also tended to have support from men in the constituency and some additional backing from local or national party leaders.
- Despite variations, women who won the election spent an average of Rs.264,191/- on their campaign while those who lost spent an average of Rs.246,666/- and those who won from the list spent an average of Rs.155,160/-.
- All the women felt the quota gave them an added advantage and noted that social change, along with attitudinal and political will, is vital now, more than ever to protect and strengthen the quota as a temporary measure till parity of representation is achieved.

It is in this context that we make the following general and specific recommendations to the Committee appointed to review the Local Authorities Election (Amendment) Act No.16 of 2017.

We recommend:

1. that the mixed member proportional system of elections be retained in the 60% wards and 40% list formulation and the Election Commission ensures a minimum representation of 25% women (in terms of Section 27F and Sub Sections 3 and 4 of Section 65 AA of the act.);
2. that the women's quota be further strengthened and a minimum 25% representation ensured even if the number of members is reduced;

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3. that women be allowed the opportunity to contest a minimum of 20% of wards and that this percentage be incrementally increased at each election till parity of opportunity is reached, since women performed exceptionally by winning 10% of wards, the minimum number they were allowed to contest;
4. that only citizens who have residence in his or her area of electoral registration, can run for local office;
5. that the electoral threshold for each party contesting be 2.5% of the total votes in each electoral district;
6. that a ceiling 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 this provision.
7. that all political parties be obliged to maintain regular accounts, clearly and fully recording therein all amounts received by them and all expenditure incurred.

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). 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);

8. that 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;
9. that both ward and list members in Local Authorities are allocated an equal proportion of financial resources for expenditure in their Local Authority area;
10. that the committee system be strengthened and local expertise brought in, including a minimum of 30% women into all committees;
11. that necessary amendments are made to election laws so that Sri Lankans employed overseas can use their franchise at Local Government elections held during their tenure of employment.

Submitted by Kumudini Samuel and Chulani Kodikara
on behalf of the Women and Media Collective

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