

# QUALITATIVE IMPACT OF ELECTORAL SYSTEM ON WOMEN'S REPRESENTATION

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# ABSTRACT

Although women's quantitative representation has increased through Proportional Representation (PR) in our CA, whether this numerical representation of women translates into meaningful outcomes for women's agenda is unclear. Even numerically, the number of women in the Constituent Assembly has decreased from 197 in the 2008 CA to 172 in today's CA. The research assessed the impact of the Proportional Representation system to identify key challenges to women's meaningful representation in the CA, and to explore policy options to improve women's representation in the CA.

**Key findings:** (a) Political parties have a closed nomination list for PR. This system gives parties too much discretionary power in nominating women candidates for the PR system. (b) Concurrently, the PR system can be abused for patronage and nepotism, rather than nominating capable women politicians. (c) The media is not as gender-friendly as the women CA members would like it to be. (d) The level of inclusion of lesbian and transgender women is negligible within women in the CA.

**Key recommendations:** (a) The nomination of candidates needs to be done in an open list of the PR system. In such a list, voters would have more power over which candidate gets elected. (b) Women CA members and women's rights movements have missed a key constituency of LGBTI coalitions. They need to foreground the issues of lesbian and transgender women, and the LGBTI community, including third gender

# NOTES

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## ABBREVIATIONS

CA	Constitutional Assembly
FPTP	First-Past-The-Post
IDEA	International Institute for Democracy and Electoral Assistance
MP	Member of Parliament
PR	Proportional Representation

# 1. INTRODUCTION



With a mixed electoral system of First-Past-The-Post (FPTP) and PR (Proportional Representation), Nepal's Constituent Assembly has welcomed historically high numbers of women parliamentarians in the last few years. FPTP is the electoral system where candidates run for elections and the one with the highest number of votes, gets elected. PR is the electoral system where the electorate vote for parties and the proportion of votes garnered by a party determined the number of party members elected into parliament. The Election to Members of the Constituent Assembly Act 2007 mandated 33 percent candidacy of women in FPTP and 50 percent in PR.<sup>1</sup>

Has this numerical increase in numbers translated into a qualitative increase of women's representation and inclusion? This policy paper explores the question by identifying key factors that help and hamper representation of women under the current electoral system.

The methodology used is semi-structured interviews with parliamentarians, former parliamentarians, and relevant stakeholders like the Women's Commission and INGOs. They served as key informants to identify challenges women face, and provide contextual grounding and personal insights to the literature of women's representation.

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<sup>1</sup> Women Members of the Constitution Assembly: A study on contribution of women in constitution making in Nepal. IDEA. January 31, 2012. Pg 23. <http://www.idea.int/publications/women-members-of-the-constituent-assembly/index.cfm>

## 2. BACKGROUND

### 2.1. HISTORY OF WOMEN IN CA

Historically, there has been very low numbers of women in Nepal’s Constituent Assembly. Out of the six constitutions promulgated in Nepal from 1950 to 2007, women only participated in the 1962 Constitution and the 2007 Interim Constitution (50, Women Members of the CA, IDEA). In 1962, there were 6 women in Nepal’s Constituent Assembly and 4 during the formation of the Interim Constitution of Nepal 2007. No Dalit had served in the CA until 2008.<sup>2</sup>

Nepal’s 2007 Constitution paved the way for women’s quantitative representation in parliament: Section 63 (4) (5) mandates political parties to have 33 percent women candidacy for CA elections.<sup>3</sup> The Election Commission of Nepal requires that political parties allocate 50 percent of their proportional representation seats to women. Consequently, 197 women became members-elect of the Constituent Assembly in 2008. In percentage, women made up 32.78 percent of the CA— higher than the South Asian average of 15 percent women in national parliament.<sup>4</sup>

### 2.2. COMPARISON OF CURRENT CA TO THE 2008 CA

The current Constituent Assembly has 240 members-elect from FPTP and 335 from PR, with remaining 26 members yet to be elected by Council of Ministers. The number of committee in the 2013 CA was reduced from 14 to 8. Despite some debate about owning the work of the previous CA, by March, the 2013 CA decided to own work of previous CA.<sup>5</sup> Women did not receive as many FPTP nominations as they had in 2008. Although 663 women ran for FPTP elections, only 10 women were elected.<sup>6</sup>

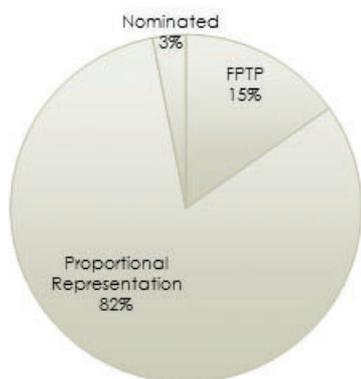


Figure 1: Composition of women MPs in 2008 CA.

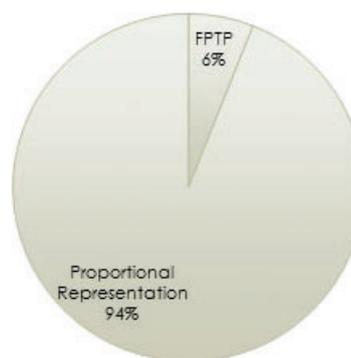


Figure 2: Composition of women MPs in 2013 CA.

<sup>2</sup> Has democracy delivered for Dalit women? Leela Rikkila and Deepti Khakurel. IDEA. February 25, 2012. [http://www.idea.int/asia\\_pacific/nepal/has-democracy-delivered-for-dalit-women.cfm](http://www.idea.int/asia_pacific/nepal/has-democracy-delivered-for-dalit-women.cfm)

<sup>3</sup> Sankalpa Fact Sheet #1

<sup>4</sup> Data on Women. UN Women. <http://www.unwomensouthasia.org/media-corner/data-on-women/>

<sup>5</sup> “Statute writing to start along with owning past CA’s works: Deuba.” Setopati. March 1, 2013 <http://setopati.net/politics/782/>

<sup>6</sup> National Democratic Institute (NDI).

“THE ENTHUSIASM AND HOPE CREATED BY THE PREVIOUS CA ARE BEING LOST. IN THE GRASSROOTS LEVEL WE CAN SEE THAT THERE IS A LOSS OF FAITH IN THIS CA.” - DURGA SOB

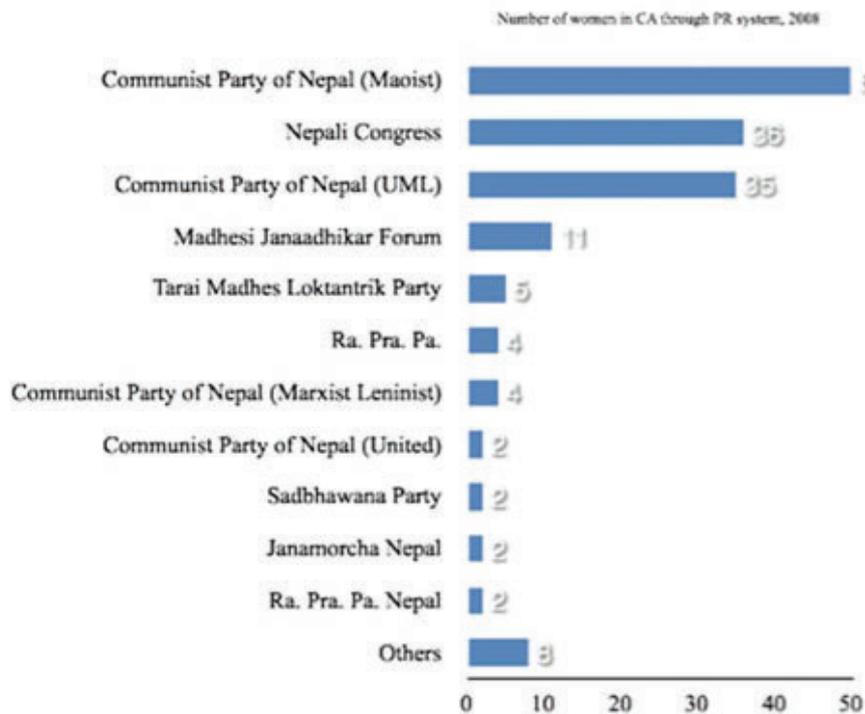


Figure 3: Composition of women MPs in 2008 CA.

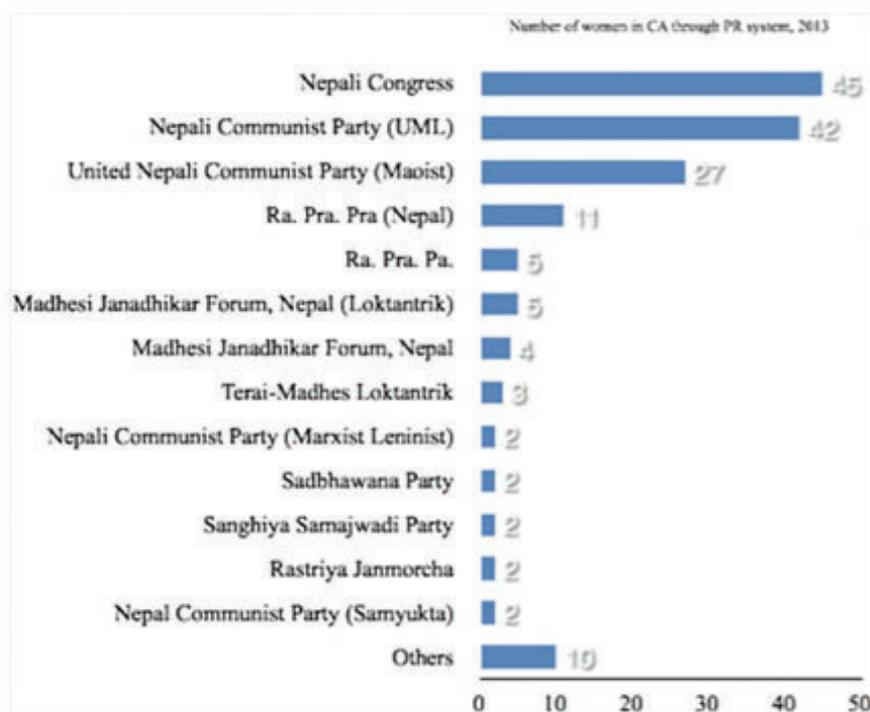


Figure 4: Composition of women MPs in 2013 CA. (Note: 26 candidates are yet to be nominated at the time of this report)<sup>7</sup>

<sup>7</sup> Samanupatik Nirbachanko Parinam Pustika. Nepal Election Commission

The following is part of the working calendar of the Constituent Assembly:

- Jan 22, 2014 First CA meeting was summoned at 3:00 PM.
- Mar 21, 2014 CA adopted its Rules of Procedures.
- Oct 17, 2014 The Constitution Drafting Committee will prepare a draft of the constitution
- 16 Nov, 2014 The Committee on Citizen Relation and Public Opinion Collection will disseminate the draft constitution and collect public input
- Jan 22, 2015 CA will promulgate the new constitution

Table 1: Partial calendar of the Constitution Assembly.<sup>8</sup>

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<sup>8</sup> IDEA - <http://www.constitutionnet.org/news/nepal-deconstructing-constituent-assemblys-new-rules-procedure-and-action-plan>

“WHAT WAS MY FAULT? WHY DID I NOT GET A CHANCE TO COMPLETE MY POLITICAL WORK? MAYBE MY CHAPLUSI WAS NOT ENOUGH.” -MOHAMADDI SIDDIQUI, FORMER CA MEMBER

### 3. CHALLENGES AND ADVANCES IN QUALITATIVE REPRESENTATION OF WOMEN IN CA

#### 3. 1. LEVEL OF COMMITMENT BY POLITICAL PARTIES

Although political parties have pledged increased women’s representation to varying degrees, their commitment is lacking in the following ways, which hampered the impact of the PR system.

Getting Nominated: Although women have a better winning ratio of candidacy vs seats, fewer women have gained election tickets.

Lack of election finance: Even after nomination, women face systemic hurdles like not having enough finance to run for elections. Both men and women candidates receive equal amount of financial assistance for elections, but since most women are systemically disadvantaged in income and property ownership, they face a bigger challenge while financing their election campaigns.

Party manifestoes have not committed to women’s representation within their own parties.<sup>9</sup>

#### 3. 2. CLOSED LIST PR SYSTEM

Since the PR nomination is closed, political party leaders have full discretionary power to nominate women according to their rank order. Because of this discretionary power, political parties can nominate candidates who are unlikely to rise above party lines for gender issues, or use the list for nepotistic goals or patronage.

A closed list also incentivizes women to rely on nepotistic or loyalty-focused channels to get elected. There is no meritocratic competition.

#### 3. 3. UNHEARD VOICES: LGBTI COMMUNITY

Women’s representative have not raised issues pertaining to lesbian and transgender women, and the LGBTI community at large. Although Nepal has some progressive laws like citizenship for third gender, among parliamentarians there is a lack of a conceptual understanding and vocabulary of gender identities. An intersectional approach has been adopted for women of different castes, ethnicities, religions and more, but the intersection of gender, sex and sexual orientation has not progressed.

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<sup>9</sup> An expert commented that parties had agreed to adopt proportional representation in all structures of governance except judiciary and their own parties. Their argument was that political parties are places for people who can debate and agitate. The underlying assumption is not only that women cannot do this, but that the PR system cannot bring in capable women who are qualified for this.

## 4. CAPACITY AND LEADERSHIP DEVELOPMENT

The impact of the critical mass has been magnified by trainings given by various NGOs and INGOs. CA members have attested to the usefulness of computer skills, debate skills, tutoring in English and similar training programs. Furthermore, there is an inferiority complex attached to being a member-elect through the PR system. Women who stood for elections and won through FPTP are considered more “legitimate” and credible than PR nominated women. To address this inferiority complex, there is an acute need for capacity and leadership development. Appropriate training can also curtail political parties’ intention of placing meek women.

## 5. RECOMMENDATIONS

1. Change candidates' nomination list from closed to open. An open PR list is viewable by the electorate who has power to determine who gets elected.
2. If women can thus compete for their nomination in the PR list, patronage and nepotism within the party will be discouraged, and that the PR nomination list is not used by parties as political tools.
3. Open list with more competition will also ensure that women feel legitimate as parliamentarians.
4. Improve financial support during elections. Election Commission can incentivize parties to help women with election finances.
5. Create legal requirements for formal representation of women within parties.
6. Strengthen forums for women to act as a critical mass above party lines. The Women's Caucus served this function in the previous CA. While the Caucus no longer exist, the same function can be performed in Inter Party Women's Alliance, for example.



