



# GENDER & ELECTORAL REFORM:

MAKING A DIFFERENCE

## ADVOCACY HANDBOOK

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# GLOSSARY OF TERMS

## **Affirmative Action (AA)**

"Affirmative action" means positive steps taken to increase the representation of minority or oppressed groups that have been historically excluded to ensure access to opportunities.

## **Temporary Special Measures (TSM)**

TSM is a type of Affirmative Action in which Temporary special measures is the term used in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to describe measures aimed at (i) accelerating the improvement of the position of women with a view to achieving substantive equality with men and (ii) to effect the structural, social and cultural changes necessary to correct past and current forms and effects of discrimination against women, as well as (iii) to provide them with compensation for inequalities and harm suffered. This term explicitly states the 'temporary' nature of such special measures, while the meaning of the term 'special' is that the measures are designed to serve a specific goal and not to cast women subjected to discrimination as weak, vulnerable and in need of extra or 'special' measures in order to participate or compete in society.

## **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is an international treaty adopted in 1979 by the United Nations General Assembly

## **Electoral Reform**

Electoral reform is change in electoral systems to improve how public desires are expressed in election results.

## **Gender Equality (GE)**

This refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women's issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.

## **Gender Inequality (GI)**

Gender inequality refers to unequal treatment, perceptions and access to resources of individuals based on their gender.

## **Gender Discrimination**

Any distinction, exclusion or restriction made on the basis of gender which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field

## **Gender Quota**

A type of Affirmative Action in which a quota is set (in this case for gender) to increase representation of historically excluded or under-represented group

## **Electoral Gender Quotas**

Numerical targets re number or percentage of women in candidate list or number of seats for women in a legislature to reverse gender discrimination and level the playing field

### **Descriptive Representation of Women**

Descriptive representation is in numbers, i.e. how many women elected in political office. Factors affecting descriptive representation: political context and culture, existence of sanctions and penalties, compliance.

### **Substantive Representation of Women**

Substantive representation is in quality, i.e. the extent that women are able to promote women's issues once elected, impact of policies.

### **Symbolic Representation of Women**

Symbolic representation is emblematic or allegorical and based on perception of the public, i.e. how women's presence or absence in political office affects public perception. In a global survey in 2005, the public believed that their government is more democratic when women are represented. Voluntary Party Quotas  
Voluntary reforms of party statutes to nominate a certain percentage of women candidates

### **Legislated Candidate Quotas**

Changes to electoral laws or constitutions which require parties to put forward a certain proportion of women candidates

### **Legislated Reserved Seats**

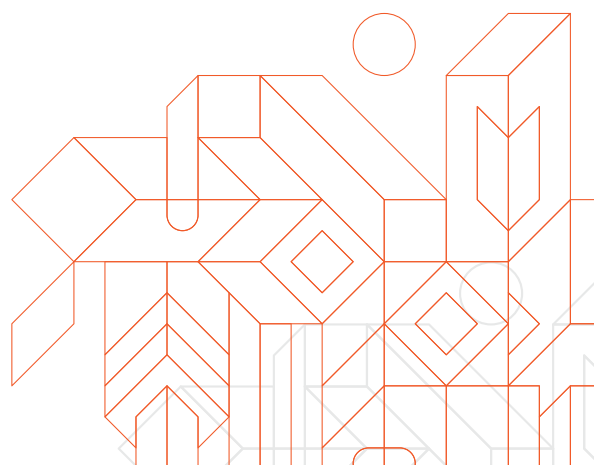
Changes to electoral laws or constitutions which require parties to set aside seats for women that men are not eligible to contest

### **Women Only Additional Seats (WOAS)**

To have women additional seats (to hit the minimum threshold of 30% women) who will be non-constituency representatives (quota for WOAS for each party according to vote %)

### **Central Executive Committee (CEC)**

The governing & main leadership body with executive power in the political parties



# INTRODUCTION

The World Economic Forum predicts that the gender gap will not close entirely until 2186. At 106 out of 144 countries, Malaysia's 2016 Global Gender Gap Index indicates that the biggest inequalities exist in terms of women's political empowerment. International women's human rights obligations enshrined under CEDAW make it clear that **temporary special measures** – fast tracks – are critical to accelerating equality for women different fields, including politics.

Last August, a groundbreaking public conversation on women's representation in elected office began in Penang. Exploring alternative solutions to systemic barriers, the National Conference on Gender & Electoral Reform: Making A Difference, resulted in close to 200 political leaders, policy makers, activists and scholars from across the country endorsing a set of practical recommendations which will be taken up as a practical advocacy tool to underscore the changes needed at the local, state and national levels. This advocacy handbook is part of the on-going effort to raise awareness and advocate for gender & electoral reform within Malaysia.





# WHY GENDER AND ELECTORAL REFORM

## GENDER INEQUALITY GLOBALLY



PRODUCES



Labor  
**66%**



Food  
**50%**

RECEIVES



Income  
**10%**



Property  
**1%**

### VIOLENCE

Globally  
**NEARLY 40%**  
of murders  
are committed  
by an intimate  
partner



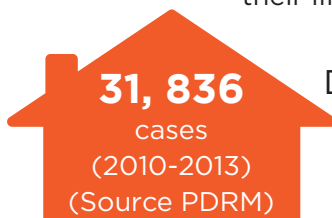
**1 in 3**

women face  
violence in  
their lifetime



**4 in 5**

victims of  
human trafficking  
are girls



Domestic and family  
violence against  
women reported  
in Malaysia

### WAGE GAP + CAREWORK



Average  
Pay Gap  
**8.4%**  
(Salaries and  
Wages Survey  
Report 2013)



**62%** women do  
not work outside  
due to household  
burdens  
(Jabatan Perangkaan  
Malaysia)

**76%** of unpaid  
care work is done  
by women  
= RM75.6 million  
(Federal Government  
Survey 2004)

### INCLUSIONS & PARTICIPATION



**95%** of countries  
have male head of state



Women make up only **22%**  
Parliamentary seats and **8%** of the  
world's executives

## Women's Leadership in Malaysia (2017)

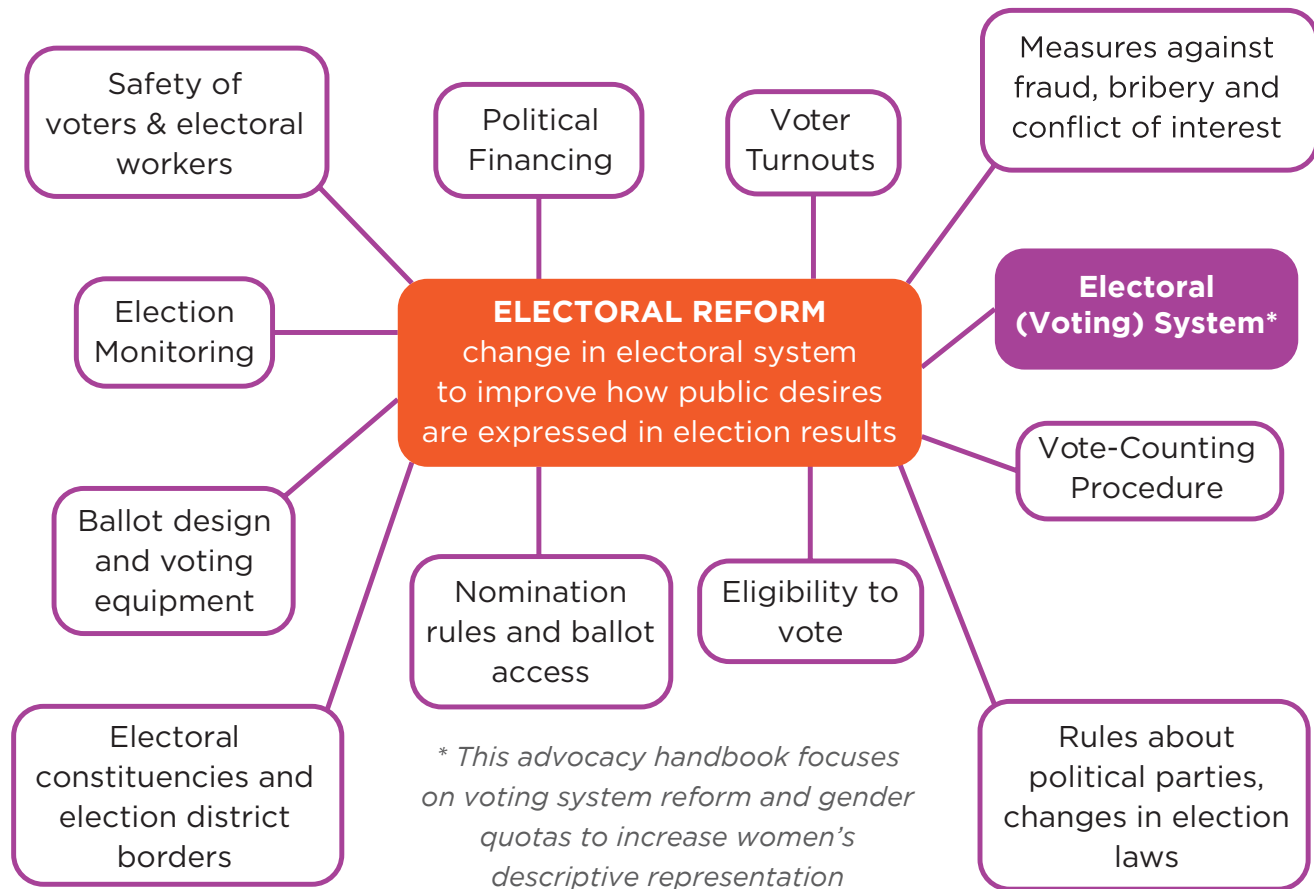
Cabinet Ministers  
**8.6%**

Parliament Members  
**11%**

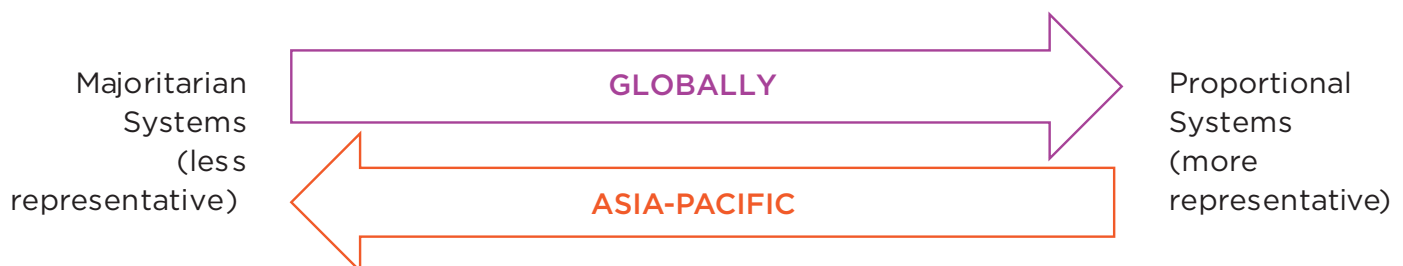
Women ADUN  
**15%**

Local Council Penang  
MBPP **33%**  
MPSP **12.5%**

# What is ELECTORAL REFORM



## GLOBAL TRENDS IN ELECTORAL REFORM



Asia's increasing convergence on majority-favouring electoral systems runs directly counter to the experience of other democratizing world regions.

(Source: *Democratization & Electoral Reform in the Asia-Pacific Region: Is there an "Asian Model" of Democracy?*)



## MORE WOMEN IN POWER

= greater opportunity for women & girls' education health and equality through legislation and policies that benefit women, children and families in general

Research on Pachayats (local council) in India showed 63% rise in number of drinking water projects in women led concils (UN Women)

In Norway, direct causal relationship between presence of women in municipal council & child care coverage established (UN Women)

In Penang, PWDC is mainstreaming gender into government by (i) institutionalizing Gender Responsive Participatory Budgeting in local government (ii) running leadership and gender trainings for women (and men) in decision-making and have (iii) managed to advocate for state funding allocated for women's programmes in every constituency, among many others.

## ELECTORAL REFORM

= greater opportunity for diverse representation that breaks power monopolies and reduces electoral fraud and inconsistencies



How do we get more diverse representation?

We need to change our electoral system



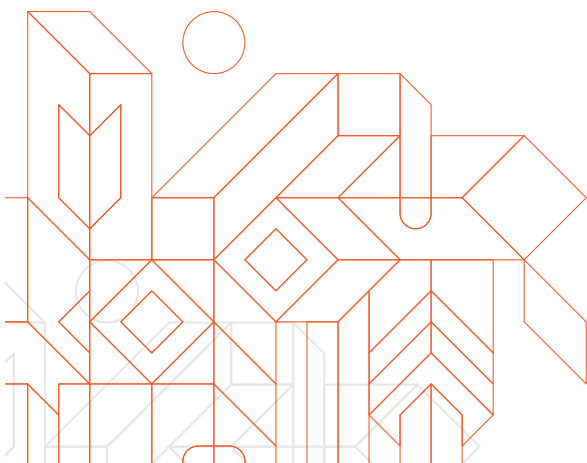
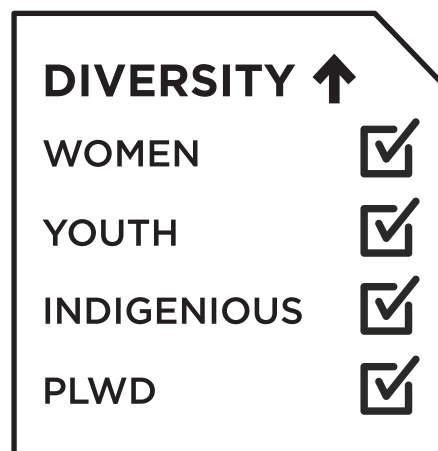
# GENDER & ELECTORAL REFORM

*"There is already enough evidence in the world to show the positive impact of women's leadership. Women have successfully built and run countries and cities, economies and formidable institutions"*

**- Phumzile Mlambo-Ngcuka,  
Executive Director of UN Women**

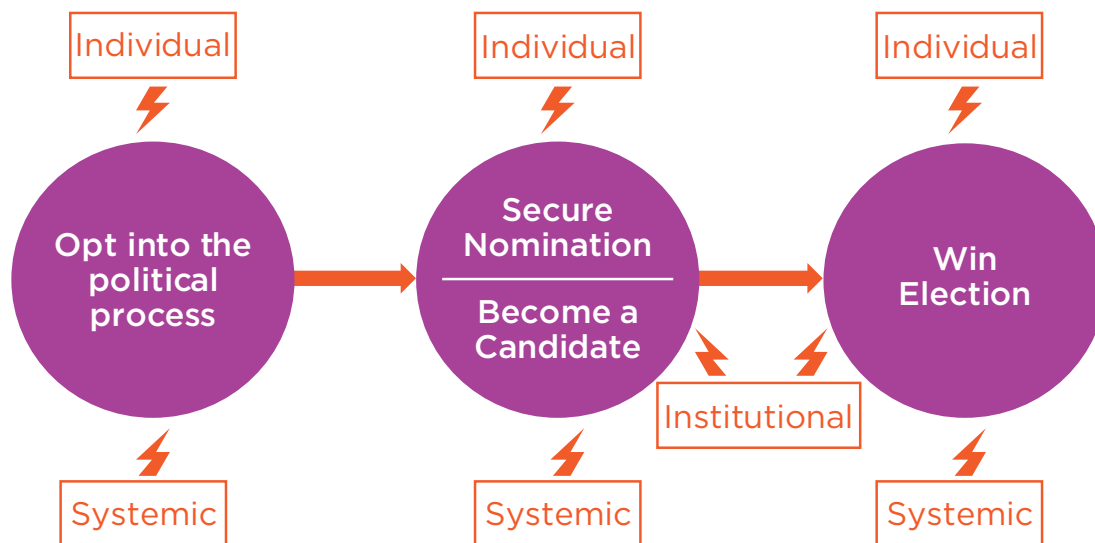
## BENEFITS OF GENDER & ELECTORAL REFORM (TOWARDS MMP)

- 1 Increased opportunity for diverse representation
- 2 Global pattern shows that women are more present in Proportional System compared to Majoritarian System
- 3 Reduces electoral volatility & uncertainties caused by the system
- 4 No advantage gained from Gerrymandering, Malapportionment & Voter Transfer
- 5 Encourages healthier coalition politics
- 6 No winner takes all as seats allocated via proportionality



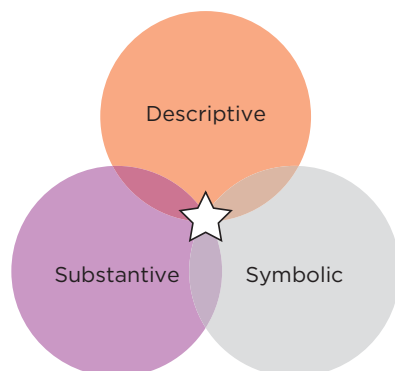
# WOMEN IN THE POLITICAL PROCESS

Before becoming political leaders, women must go through the following process (like other male candidates) but face numerous challenges and barriers. Institutional, systemic and individual barriers limit women's access, participation and influence in decision-making structures in most walks of life, including but not limited to economic, legal and political institutions, trade unions, the media, and religious bodies.



<b>Types of Barriers</b> 	<b>Individual</b>	<ul style="list-style-type: none"> <li>• Psychological</li> <li>• Education</li> <li>• Financial</li> </ul>
	<b>Systemic</b>	<ul style="list-style-type: none"> <li>• Family</li> <li>• Gender Stereotypes</li> <li>• Safety</li> <li>• Religion</li> <li>• Politics as male domain</li> <li>• 'Dirty Politics'</li> <li>• Draconian laws</li> </ul>
	<b>Institutional</b>	<ul style="list-style-type: none"> <li>• Electoral System</li> <li>• Political Party Structure</li> <li>• Institutional Structures</li> </ul>

Women's representation:  
Three dimensions,  
**ONE STARTING POINT**



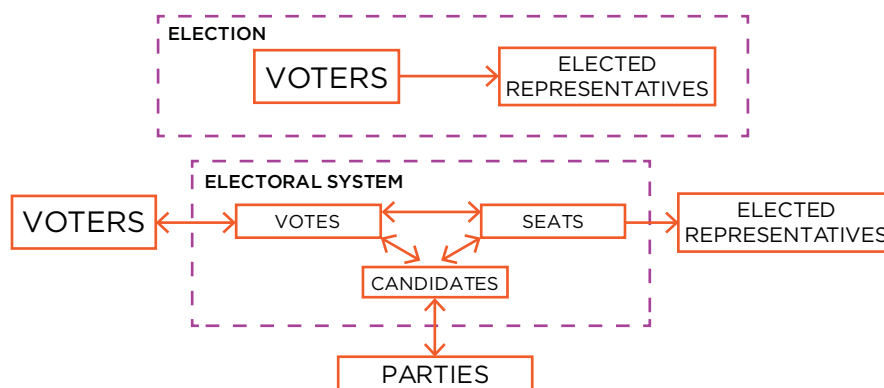
Women should be fairly represented in terms of numbers, substantive policy concerns and political presence.

"Women's descriptive representation is typically higher under proportional representation systems. According to the United Nations, the Inter-Parliamentary Union, and the Global Database of Quotas for Women, worldwide women hold more than 25% of seats in countries that use proportional electoral system and less than 20% in those countries that use majoritarian/plurality systems. Mixed systems fall in the middle with women's representation sitting at nearly 23% on average"

Source: Women's Political Representation & Electoral Reform, Sept 2016 by Equal Voice

# WOMEN AND ELECTORAL SYSTEMS

## Electoral System as a Potential Institutional Barrier

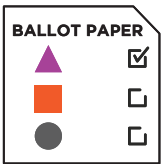
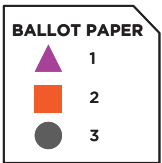


### Electoral System as a Potential Institutional Barrier

Election refers to the process of voters choosing their representatives. What it means may differ vastly with different electoral systems.

Electoral System refers to the specific mechanism that structures how votes (mandate) are translated into seats (representation) and in turn affects selection of candidates and formation of political parties. Hence, how likely women get elected may be affected by electoral system that determines candidate selection and influences voters' choice.

### Common Variables in Electoral System

<b>Seats and Candidates:</b>	<ul style="list-style-type: none"> <li>• Individuals in Single-member Constituencies</li> <li>• Individuals in Multi-member Constituencies</li> <li>• Teams in Multi-member Constituencies</li> </ul>
<b>Votes:</b>	<ul style="list-style-type: none"> <li>• Choosing 1 candidate (Nominal)</li> </ul>  <ul style="list-style-type: none"> <li>• Ranking candidates (Ordinal/Preferential)</li> </ul> 
<b>Formula:</b>	<ul style="list-style-type: none"> <li>• Plurality – more supported than others, but need not be majority</li> <li>• Majoritarian – must be supported by a majority</li> <li>• Proportional – distributed as proportionally as possible</li> </ul>

## Variables in Electoral System

Seats and Candidates	Single-Member Constituency			Multi-member Constituency		
	Individuals			Individuals	Team	
Vote	Nominal		Preferential	Preferential	Nominal	
Seat Allocation Formula	Plural	Majoritarian	Majoritarian	Plurality	Proportional	Plurality
Electoral System	First-Past-The-Post	Two-Round-System	Alternative Vote	Single Transferable Vote	Party-List PR	"Group Representation Constituencies" (GRC)
Main Country	UK, Malaysia	France	Australia	Ireland	Netherlands, Indonesia	Singapore

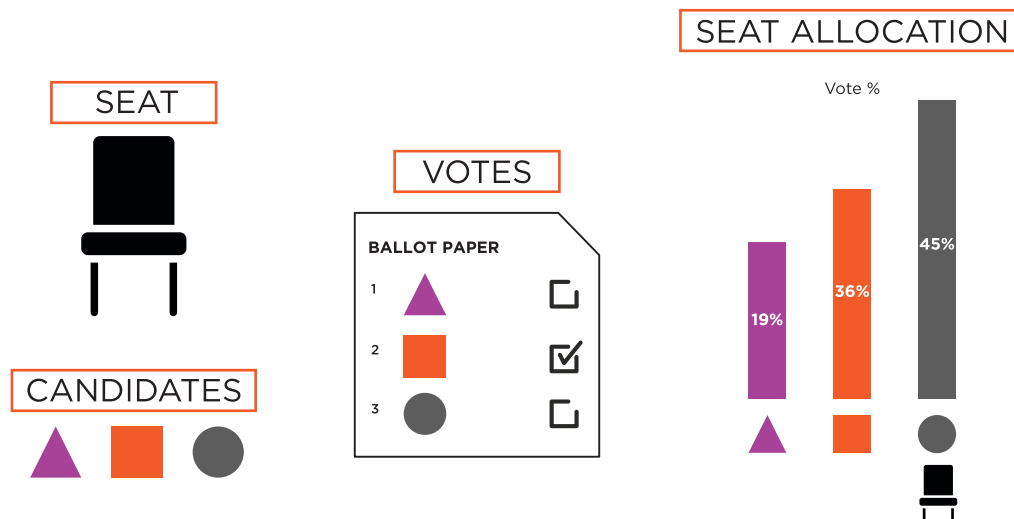
### First-Past-The-Post System (FPTP)

Because only one seat is allocated in a FPTP constituency, all losers are not represented. In the event of multi-cornered fights, the winner may win less than a majority. This means majority of voters who reject the winner are not represented at all. At the national and state levels, smaller parties are likely to be under-represented or not represented at all.

**PROS and CONS:** In Anglo-American democracies where voters are culturally more homogenous, FPTP is traditionally credited for producing two-party systems with three features: (a) two large parties/blocks competing for the middle ground voters; (b) single-party governments which can be held accountable for their performance; (c) alternation between the two parties. Such healthy two-party competition however has not happened in ethnically-diverse countries like Malaysia. Other than causing under-representation or exclusion of smaller parties, FPTP's "winner-takes-all" characteristic also makes electoral outcome more volatile and risky.

#### Related Systems:

1. Majority winner can be ensured by imposing a run-off by the top leading candidates if no one wins a majority in the first round. Made popular by France, this variant is called "Two Round System".
2. If a constituency has a few seats instead of one, but voters have only one nominal vote, and the candidates win or lose as a team, this becomes the "Group Representation Constituencies" (GRC) in Singapore (generically, "Party Block Vote"). More than FPTP, it normally results in worse under-representation of smaller parties and is susceptible to electoral volatility.



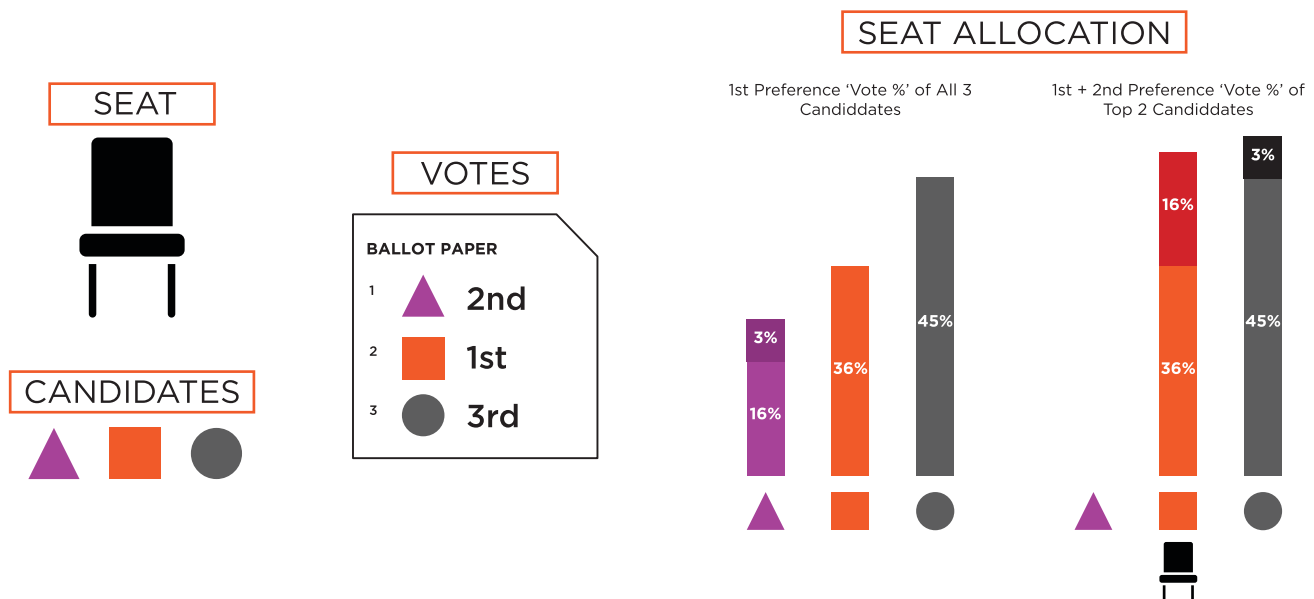
## Alternative Vote (AV)

Like France's Two Round System, Australia's Alternative Vote aims to ensure a majority winner. Instead of holding a run-off, the AV system asks voters to rank all the candidates. In the event that no candidate wins a majority in the first preference ballots, the weakest candidate will be eliminated and his/her votes will be redistributed to other leading candidates. In our example here, the 19% voters who support the Triangle candidate in the first preference vote are split in their second preference: 16% support the Square candidate and 3% support the Circle candidate. This means, after redistribution of the Triangle candidate's votes, the Square candidate should win with a combined 52% beating Circle's 48%.

**PROS and CONS:** AV gives more room for smaller parties to exist but eventually encourages parties to form two blocs like FPTP. Superior than FPTP, the winners in AV always have the majority support.

### Related System:

Preferential voting can also be applied to multi-member constituencies with proportional formula. Winners are not required to win 50% or more votes, but only a quota. Extra votes for winners will be reallocated to other candidates until all seats are filled. If necessary, the weakest candidates will be eliminated as in the AV. Most commonly associated with Ireland, this system is called "Single Transferable Vote" (STV). It is one of the three systems that produce "proportional representation," the other two being List-PR and MMP.

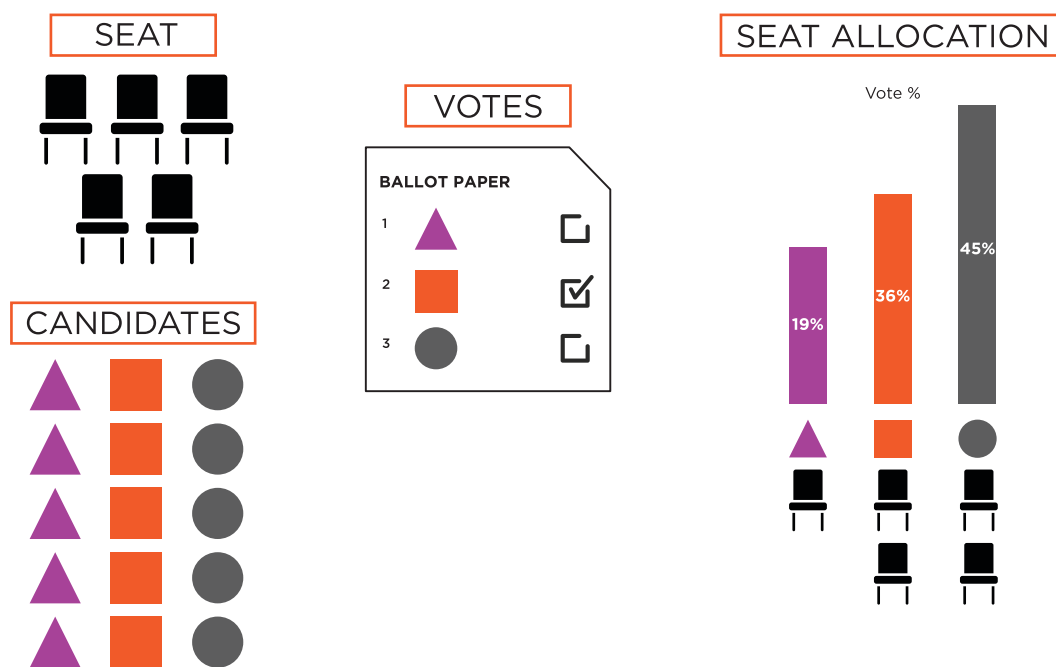




## Party-List Proportional Representation (List-PR)

In List-PR, a constituency have many seats and parties present a “list” of candidates to compete for these seats. Voters have only one vote to choose between the lists, and the seats will be allocated proportionally based on their vote share. Within each list, the seats won will normally first go to those candidates on the top positions. If a party-list MP quits or dies, the vacancy will be filled by the next candidate, without having to hold by-elections. In the example above, all three parties won representation with the largest party slightly under-represented.

**PROS and CONS:** List-PR produces diverse and balanced representation in legislatures and forces parties to make more compromises. This makes politics more inclusive. However, since rarely any party can win a majority in seats, coalition governments are common and power may change hand a bit too often. Party proliferation may also give some flank/extremist parties too much bargaining/blackmailing power.



## Mixing FPTP and List-PR

Hybrid Electoral Systems are increasingly popular because they bring together advantages of different systems.

The most common combination is one that marries:

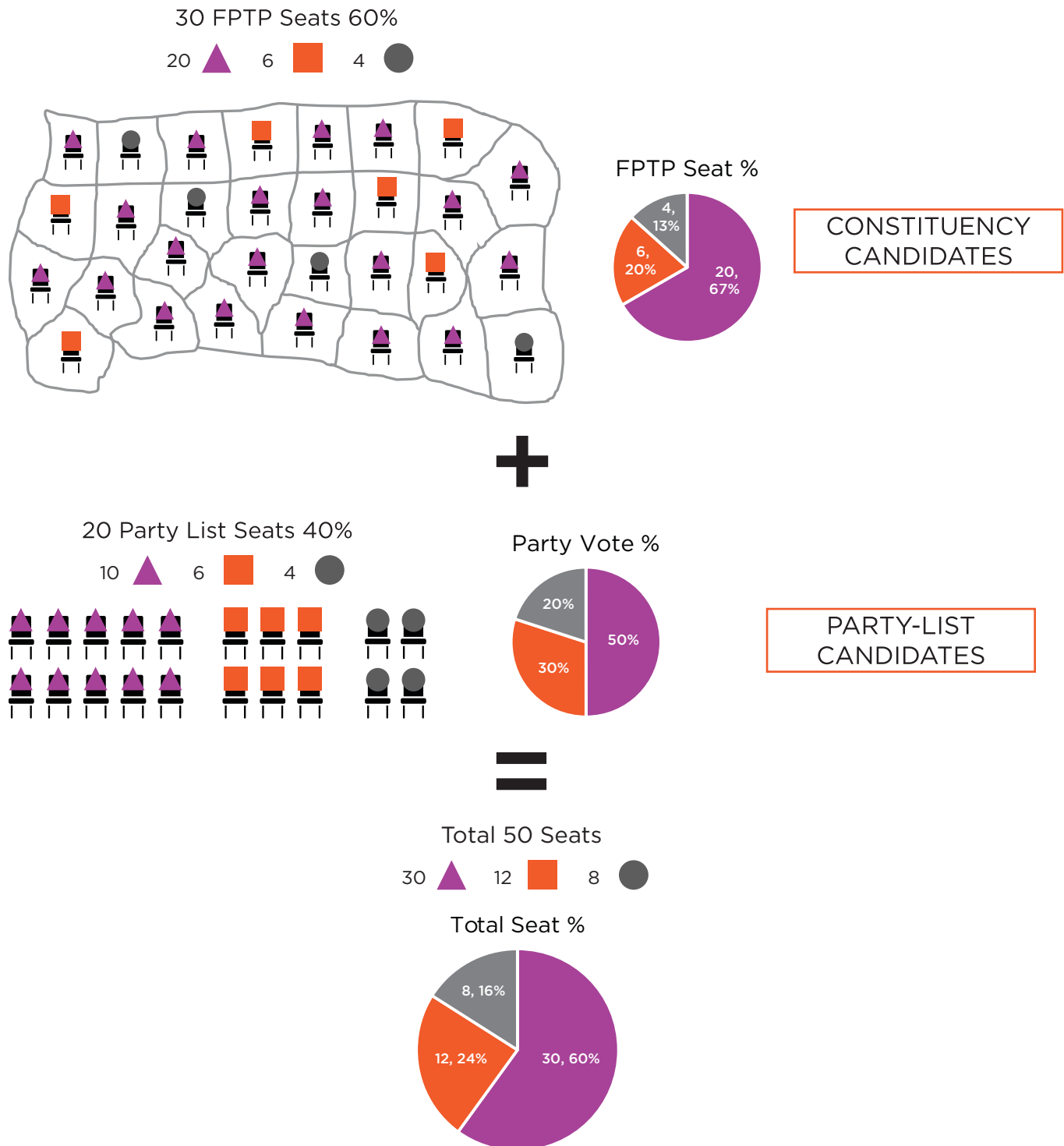
- FPTP for providing local representation and stronger parties
- List-PR for ensuring diversity and balance in the legislatures.

The FPTP-List PR hybrids give voters two votes, one vote for constituency representative and one vote for party.

These hybrids can be divided into two groups:

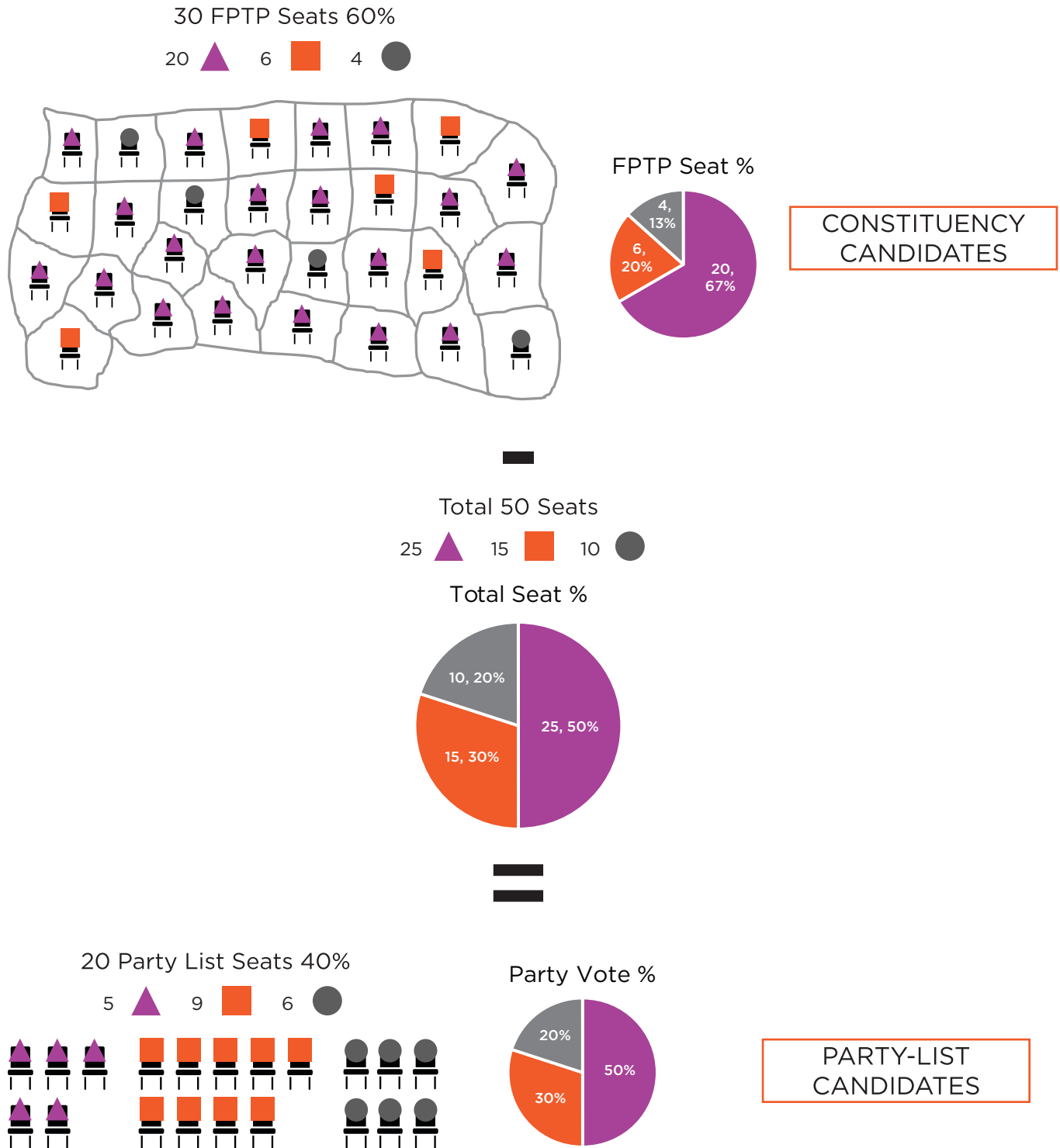
- Mixed Member Majoritarian (MMM), which uses party vote share to dictate only allocation of “party list” seats
- Mixed Member Proportional (MMP), which uses party vote share to dictate the overall allocation of seats

## Mixed Member Majoritarian (MMM)

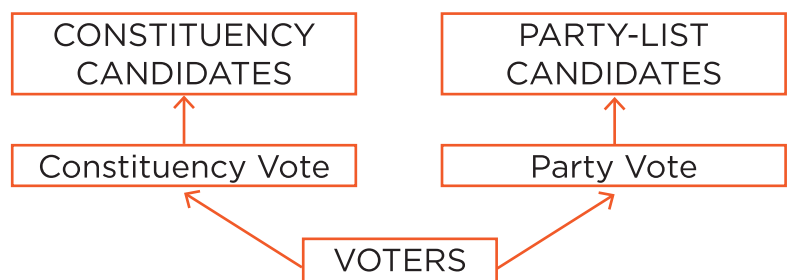


In the election of 30 FPTP seats, the Triangle Party wins 20 seats, exactly a two-third while Square and Circle each win only 6 and 4 seats. This however may not mean 2/3 of voters support the parties. Many voters may vote against Triangle but their votes are not translated into seats, due to malapportionment and gerrymandering. Some voters may have voted for Triangle only because their most preferred party did not run in the constituency. If the voters are given a second vote to choose their preferred party across all constituencies, it is all possible the Triangle party enjoys a smaller vote share, says, only 50% while Square gets 30% and Circle 20%. To produce a more balanced and inclusive legislature, we may create 20 extra seats and allocate them to the parties based on party-vote share: 10 to Triangle, 6 to Square and 4 to Circle. This will reduce the disproportionality – Triangle will have only 60% of total seats, Square 24% and Circle 16%. The balance of power in legislature will be closer to the actual support that the parties enjoy but there is still some gap. This hybrid system is called Mixed Member Majoritarian because it still retains the majoritarian characteristic in allocation of total seats.

## Mixed Member Proportional (MMP)

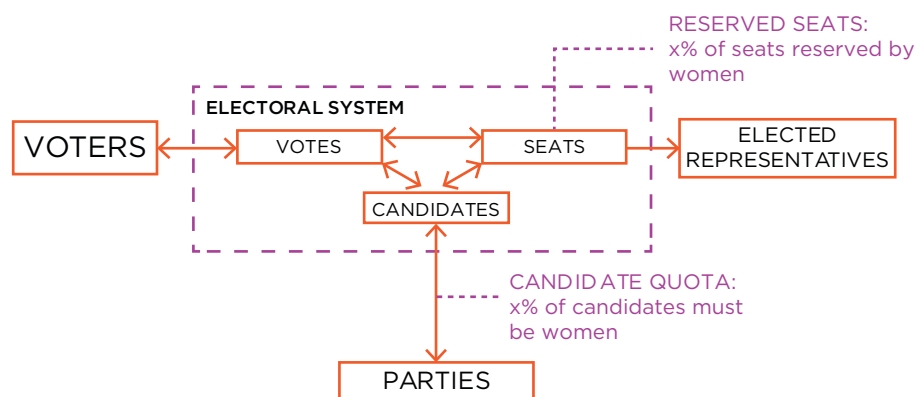


Here we have the same outcome in FPTP constituencies and party-vote share. But the 20 party list seats shall be allocated differently. We will use the party-vote share to decide total number of seats each party should have: Triangle 25 (50%), Square 15 (30%) and Circle 10 (20%). Deducting the number of FPTP Seats they already won, the 20 party list seats should be distributed in this way: Triangle 5, Square 9 and Circle 6.



# GENDER QUOTAS & ELECTORAL SYSTEMS

## Gender Quota and Electoral System

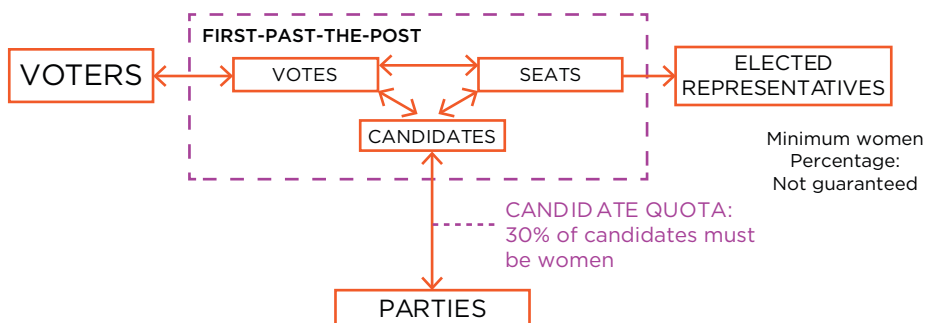


To overcome hostile environment that prevents women from being nominated or voted in elections, two forms of Gender Quota may be introduced: (a) candidate quota; (b) reserved seats.

Candidate quota means that a certain percentage of candidates from a party must be women. In electoral systems with single-member constituencies like FPTP, AV or Two-Round System, certain percentage of constituencies contested by a party must be women. Political will is required to overcome resistance from party branches especially aspiring male candidates. In electoral systems with multi-member constituencies such as List-PR and GRC, women quota can be more effectively imposed. For party list, gender quota is most effective with "placement rule" like "every one out of three candidates must be a woman."

Reserved seats means that certain seats can only be contested by women candidates. In India, one third of local constituencies in every electoral cycle are scheduled to be contested by women only. In other words, every constituency must have the chance of electing a woman within three electoral cycles. More commonly, reserved seats are created separately from general seats, which may be directly or indirectly elected.

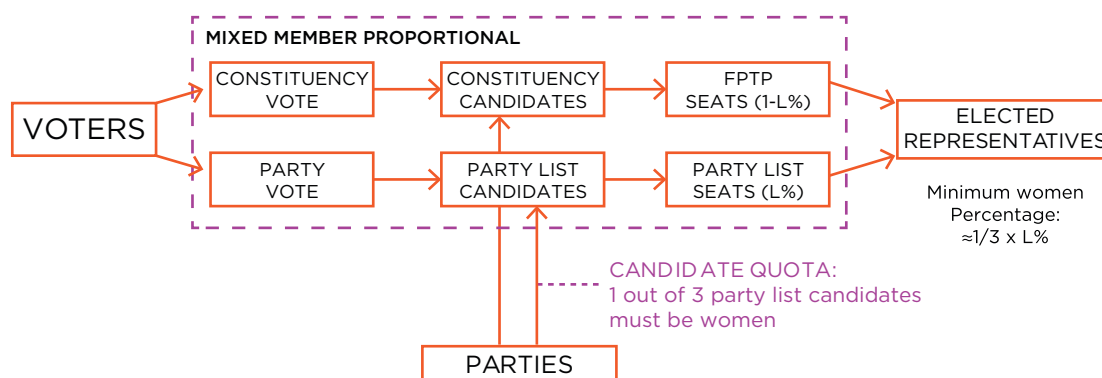
## Remedy 1: 30% Women Quota in FPTP



### Remedy 1: 30% Women Quota in FPTP

Parties should impose a 30% gender quota on their candidates, as what women NGOs have been calling for. However, unless women are nominated for winnable constituencies, there is no guarantee that a higher women candidate percentage will translate into a higher women representation in legislature.

## Remedy 2: 1/3 in Party List under MMP

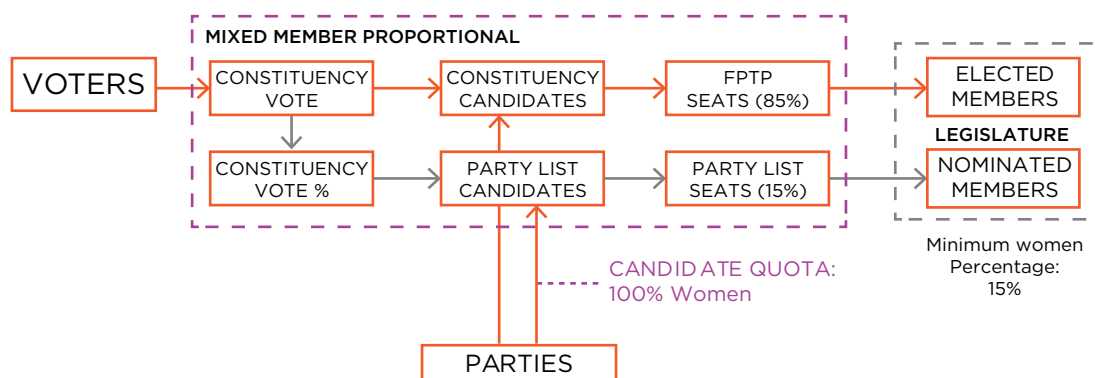


### Remedy 2: 1/3 in Party List under MMP

The minimum percentage of women in legislature would be around the product of candidate quota and party-list seat percentage. If 40% of total seats are set aside for party list, and the “1 in 3” placement rule is in place, the minimum percentage of women in legislature would be around  $1/3 \times 40\% = 13.33\%$ . The actual percentage is likely to be higher as women candidate will also be fielded for constituencies and the quota on party list may be more useful as entry points for new women politicians.

Where gender quota is concerned, MMP and MMM actually produces the same percentage of women in legislature. MMP will however bring more party list seats – by extension, women – to the under-represented parties than MMM.

## Remedy 3: Women-Only Additional Seats



### Remedy 3: Women-Only Additional Seats

“Women-Only Additional Seats” is a hybrid system with both FPTP and Party-List components like MMP and MMM but it differs from them in two senses. First, voters are given only one vote in constituency elections and constituency-vote share will be used as the substitute to party-vote share in MMP/MMM as the basis of party-list seat allocation. Second, the party-list seats are 100% reserved for women as its primary purpose is to mitigate gender imbalance.

Bangladesh has a similar system whereby the Parliament consists of 300 general seats and 50 reserved seats for women. The seats are then allocated to the parties in proportion of seats, which is likely to worsen disproportionality. In theory, the general-seat MPs will then elect their woman representatives in a Single Transferable Vote (STV) election. Our proposal modifies the basis of seat allocation to vote share so that it would mitigate disproportionality and replaces the STV selection by MP with Party List where voters may take into account in deciding which party to support in the FPTP election. Because it will use additional seats as top-up rather than holding separate elections on reserved seats, we call it “Women-Only Additional Seats”.

## Constitutionality: Nominated Members of State Legislature

Article 117 of the Federal Constitution only governs “elected members” and has no prohibition against “nominated members”:

*“For the election of members to the Legislative Assembly of a State the State shall be divided into as many constituencies as there are **elected members**, so that one member shall be elected for each constituency; and the division shall be made in accordance with the provisions contained in the Thirteenth Schedule.”*

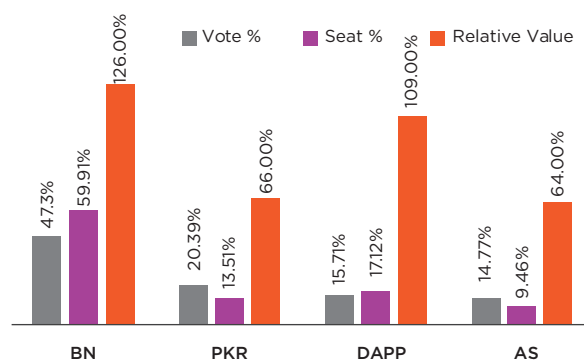
“Nominated members” are found in Article 14(c) of Sabah State Constitution and have been applied for decades.

*(c) such number of other members (hereinafter referred to as “**nominated members**,” not being more than six, as the Yang di-Pertua Negeri may appoint each of whom shall, subject to the provisions of Article 18, hold his seat for such period as may be specified in the instrument by which he is appointed.*

Other States too can amend their state constitution/law to have “nominated members” of legislative assembly. As “Women-Only Additional Seats,” the nominees must be women and the seats should be proportionally given to the parties based on vote share of the last concluded election.

## Beyond Gender Balance, MMP or WOAS Can Make Elections Fairer

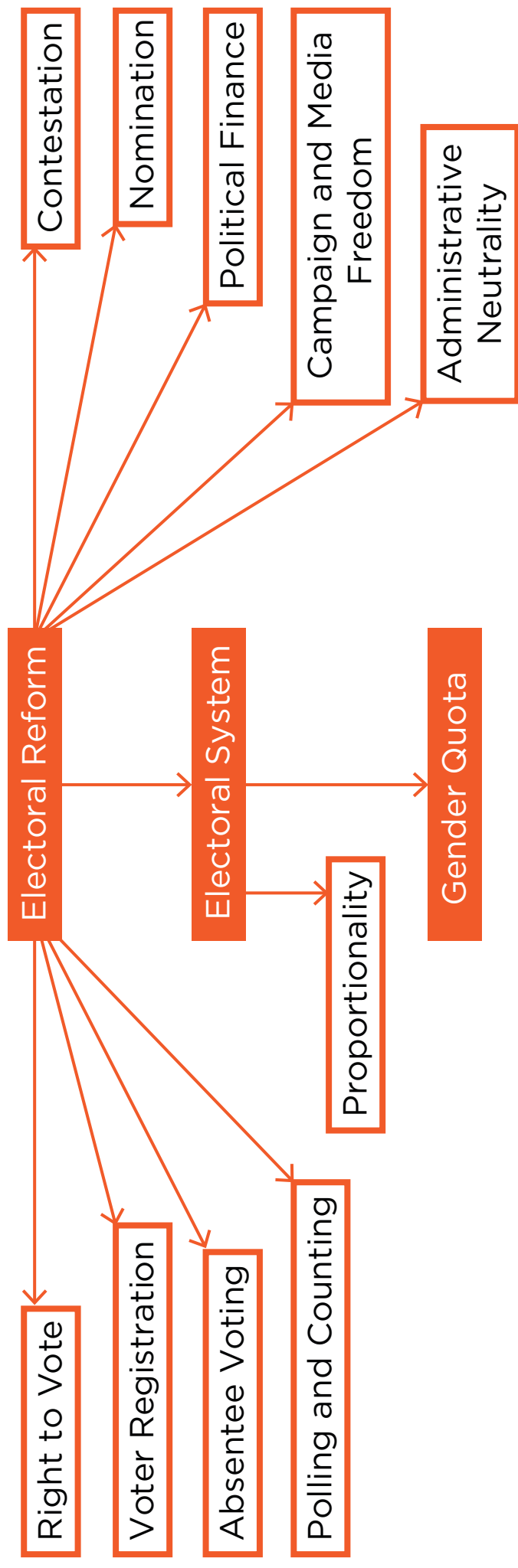
- Thanks to malapportionment and gerrymandering, our elections have produced very disproportional outcome where Pakatan Rakyat lost GE13 despite winning 51 % of votes.
- More voters may be under-represented in GE14 because of multi-cornered fights.
- Beyond mitigating gender imbalance, by allocating some seats based on party vote share, MMP and WOAS will also make the vote and seat shares of all parties more balanced.
- This will make electoral politics fairer and more competitive, and hopefully, governments more accountable.



GE13 – Vast Imbalance between Votes and Seats

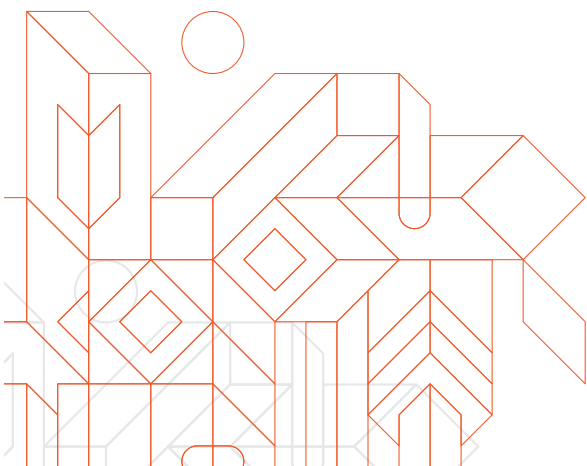


## In the Larger Picture of Electoral Reform



# 6 THINGS YOU CAN DO TO MAKE A DIFFERENCE

- 1 Each individual to take concrete steps to organise trainings/dialogues/workshops in her/his political party, constituency, and/or organisation to advocate for an increase in women's participation in all levels of decision-making, and on the need for electoral gender quotas and electoral system change.
- 2 Each individual from political parties to advocate for her/his party to appoint a minimum of 30% women in all JKKK and local authorities and work towards fielding a minimum of 30% women candidates at state and parliamentary elections.
- 3 Each individual belonging to a political party to recruit more women members into her/his party, and men and women who can advocate and lobby on behalf of women and their concerns towards increasing the talent pool of women candidates.
- 4 That the federal government and state governments provide public financing for political parties for elections which will level the playing field for all candidates.
- 5 That special funds be set up to support women candidates.
- 6 That a multi-sectoral Steering Committee be set up to pursue the above Recommendations.



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